

THE

19

FEDERAL RELATIONS

OF THE

PROTESTANT EPISCOPAL CHURCH EXAMINED,

IN

LETTERS TO A VIRGINIA CHURCHMAN.

BY

G. W. RIDGELY.

"The experience of our civil history shows that few points are more difficult of adjustment than the respective rights and powers of the State and General Governments." * *
* * "Virginia, a State which, throughout its whole ecclesiastical history since the Revolution, has always asserted its Diocesan rights."—*Dr. Hawks.*

PHILADELPHIA:

JAMES HAMMOND, No. 1224 CHESTNUT STREET.

1876.



Digitized by the Internet Archive
in 2018 with funding from

This project is made possible by a grant from the Institute of Museum and Library Services as administered by the Pennsylvania Department of Education through the Office of Commonwealth Libraries

THE
FEDERAL RELATIONS
OF THE
PROTESTANT EPISCOPAL CHURCH EXAMINED,
IN
LETTERS TO A VIRGINIA CHURCHMAN.
BY
G. W. RIDGELY.

“The experience of our civil history shows that few points are more difficult of adjustment than the respective rights and powers of the State and General Governments.” * * *

* * “Virginia, a State which, throughout its whole ecclesiastical history since the Revolution, has always asserted its Diocesan rights.”—*Dr. Hawks.*

PHILADELPHIA:
JAMES HAMMOND, No. 1224 CHESTNUT STREET.
1876.

CONTENTS.

	PAGE
PREFACE, ...	v
LETTER I, ...	9
Introductory Remarks. A Theme Proposed. Veneration for Virginia. Reasons for it, patriotic, personal, ecclesiastical. Virginia's Petition to the General Convention. Confident Expectation. Sad Disappointment. A Scene Recalled. A Picture Taken. Plymouth Rock, Jamestown. The True "Pilgrim Fathers." Controversy in Church and State Identical. Government a Universal Science.	
LETTER II, ...	19
A Popular Theory Examined; Two Questions, one of Fact, the other of Principle. Transfer of Power from the Dioceses to the General Convention. Five <i>Preliminary Considerations</i>:—1st. A Canon of Historical Criticism—<i>Antecedent Improbability</i>. 2d. Causes Operating in the State, but not in the Church—A page from History. 3d. Solidarity of the Dioceses—The General Convention elected by State Conventions, not by Popular Vote. 4th. All Judicial and Executive Powers Carefully Withheld. 5th. A Suggestion from John Jay.	
LETTER III, ...	29
A Step in Advance. <i>Preparatory Proceedings</i>. Another page from History. Letters from Maryland. Fundamental Principles from Pennsylvania. A Drummond Light. Proceedings in Maryland. Important Report. A Tidal Wave. Rev. Mr. West to Dr. White. Proceedings in Virginia. Convention. Instructions. Dr. Griffith.	
LETTER IV, ...	38
Outposts Passed. Citadel Attacked To-day. A priori Argument. We open the Constitution itself. Articles seriatim:—Art. I. A General Convention Established. <i>We Search for its Powers</i>; none here. Art. II. None here; House of Deputies. Art. III. None here; House of Bishops. Art. IV. None here; Episcopacy exclusively Diocesan. Art. V. None here; Union not Essential. Art. VI. A small Ray of Light. Art. VII. None here. Art. VIII. Another small Ray—Pyramid upon its Apex. Potent Innuendo. Express Powers, what? implied, what? A Rubric-ridden, <i>Canon-aded</i> Generation. Art. IX. None here; Constitution, how Altered. Art. X. None here; Bishops for Foreign Parts. Oh, ye invisible powers that govern us, where are ye hidden?	
LETTER V, ...	53
Supplementary Arguments. Episcopacy and Government Inseparable. No Action of the Church without Permission of the State in Maryland and Virginia. A small Western See. Some Hard Facts. Half-statement of the Case. Government ab extra impossible in that Day.	

	PAGE
LETTER VI, ...	62
A Source of Confusion. General Convention; Two Bodies by that Name. Many Meanings of the word "Church." If the General Convention "Establishes" a Prayer-book, the Diocesan may Regulate its "Use." "Uses" Differ in Different Churches, at Different Periods. The Virginia Petition. A Whisper Heeded, and Answered. A Drummond Light. Independent Judiciary.	
LETTER VII, ...	70
Recapitulation. A Pleasing Digression. Virginia Statesmanship, its Characteristics and their Causes. A Question of Principle: Can a Diocese give up its Autonomy? The Statesmen of America Educators of Mankind—Her Churchmen likewise. Church Questions of two Kinds. Problems awaiting Solution. Theories, Congregational, Presbyterian, Episcopalian. The Primary Organisms, how Connected? By what Nexus, Doctrinal or Ecclesiastical? Scripture. Is Government Essential to an Ecclesiastical Confederacy?	
LETTER VIII, ...	83
Survivor of the "Old Guard." A Band of Heroes. A Glorious Meeting. No Lawlessness. An Organic Church, what? An Incident. A Suggestion for Abler Minds. Objections Anticipated. An Eloquent Foreigner. A Dying Statesman. What Virginia can best do for Others. Dr. Newton's Argument. That Nail Clinched. A Judicial Absurdity.	
LETTER IX, ...	94
Dr. Hawks' Position. General Convention Represents State Conventions. "Union," "Unity"—The Former Built on the Latter, and the Latter on the XXXIX Articles. A Seminal Idea. Unconscious Witnesses. Hon. Randolph Tucker. Hon. Mr. Bayard. Opinions Held in One Sphere Renounced in Another. Dr. Coit on Imperialism. A Question Asked. Evangelical Party Disheartened; not Dead. Ho! to the Rescue. A Syren Song. A New Church. Influence on Ourselves. Set the Laity to Thinking. Resonant Cry. Policy Relaxed. Another Phenomenon. Massed in the Centre. Waiting for Virginia—She will lead the Way. A Hint for Her from Virgil. Conclusion.	
POSTSCRIPT, ...	120
APPENDIX A, ...	122
The Constitution.	
APPENDIX B, ...	128
The Convention of 1789.	
APPENDIX C, ...	135
Thoughts Reproduced.	
APPENDIX D, ...	140
Difference between an Organic and Confederate Church.	
APPENDIX E, ...	142
An Instructive Transformation.	

PREFACE.

The writer of the following letters deems it proper to state that they were originally intended to be addressed to the senior member of the Virginia delegation in the late General Convention,* a man whose broad and statesmanlike capacity and thorough training, as well as familiar acquaintance with the facts of our current history, especially qualified him for the consideration of such topics as they present. He was, likewise, the writer's lifelong friend and counsellor in all matters connected with the Church. It is with hesitation and regret, which cannot easily be expressed, that this little work is permitted to appear in public without the benefit of his revision, or the shelter of his honored name. Not intending to commit him in any way to the opinions here expressed, or the course of proceeding indicated, the author of these communications is, nevertheless, sure that his friend would have entirely approved and gladly promoted the principal object which he has in view. That object is to awaken a calm and careful discussion of principles which appear to him to underlie some of the most important issues of our day, and in a quarter of the Church where they can be most favorably examined.

The author expected that this little book would have been ready for circulation at the last meeting of the Virginia Council,† but unavoidable delay occurred, and, before it was completed, he to whom it would have been addressed was called from his work on earth to his rest in heaven. The shock of that sudden bereavement suspended, and well nigh arrested entirely, this humble

* Rev. Dr. Andrews.

† In May, 1875.

labor of love and duty. But the death of such a man is calculated, not finally to dissipate, but rather to deepen an impression of the importance of such an inquiry; and also to remind those of us who desire to say a word to the rapidly passing generation of which we are now a part, that we had better speak quickly, lest, before the message is delivered, our lips also be sealed.

I think there is great reason to regret that some of the most intelligent Christians allow themselves to be influenced by an indifference, not to say aversion, to discussions of this kind. It is that which so frequently changes church controversies into civil litigation. Those by whom they ought to be wisely settled are too often careless or incompetent. An American ecclesiastical tribunal is usually a sort of composite institution. Half court, half jury, it determines the deepest questions of law as readily as the plainest issues of fact; and men who are innocent of the first idea of jurisprudence will sometimes comprehend at a glance, and settle with a word, great constitutional problems, which a Marshall or a Mansfield would find it needful to study carefully and decide with caution. Of course, judgments so rendered are sometimes more distinguished for promptitude than wisdom; and good men, required to discharge duties for which they are not qualified, become the victims of thoughtless ridicule and unmerited contempt.

There is a noticeable difference in this respect between the mother Church in England and her daughter in America. The former seems to have connected the worst ecclesiastical legislature known to Protestant Christendom with (in some respects) the best ecclesiastical judiciary. I call her legislature the worst, because, in ignominious vassalage to the State, she allows her laws to be made in Parliament, and, of course, to be at the merey of demagogues and politicians. I consider her judiciary the best, because those laws are interpreted by the most thoroughly trained legal minds in the kingdom. All experience shows that to confide such investigations to men who are in no sense lawyers, is

like committing important medical inquiries to men who are not physicians. Such a policy must lead to disappointment, and often to something worse.

Whether the evil here referred to is susceptible of being cured in a church constituted as ours, may be doubtful. But certainly it might be lessened if our men of influence would consent to educate themselves into somewhat greater familiarity with topics of this class.

The writer indulges the hope that what he has written may be useful in the direction here indicated. One thing is certain. To ignore those questions of constitutional law which are surely coming to the front, as the battle of opinions which marks the present age begins to thicken in the Church, will be to throw them into the civil courts. That is a school, however, in which important lessons are often taught; and a Christian denomination may sometimes learn, better there than elsewhere, the organic limitations of its government and the meaning of its laws.

I add, in the language of a far abler man: "Were the author much wiser than he presumes to think himself, he would still submit to his brethren a work of this kind with unfeigned diffidence." * * And yet, "like a pioneer in an untraveled territory, it may make a road in the wilderness which, though rough, may not be useless to future travelers."

G. W. R.

FEDERAL RELATIONS

OF THE

PROTESTANT EPISCOPAL CHURCH.

LETTER I.

Introductory Remarks. A Theme Proposed. Veneration for Virginia. Reasons for it, Patriotic, Personal, Ecclesiastical. Virginia's Petition to the General Convention. Confident Expectation. Sad Disappointment. A Scene Recalled. A Picture Taken. Plymouth Rock, Jamestown. The True "Pilgrim Fathers." Controversy in Church and State Identical. Government a Universal Science.

REV. AND DEAR BROTHER:—

Men who have been engaged in the earnest support of any great interests as actively as you and I have been in those of the Church, cannot be expected to withdraw their thoughts and sympathies entirely from what had occupied them so long, even when warned by advancing years that the period of retirement had come. It is not that the old are unwilling to commit to the young the interests and duties that are appropriately theirs, or that the receding fails to pay proper deference to the advancing age. There is a better and pleasanter explanation to be found, in the fact that our Gracious Master does not deal so unkindly with his older servants as to leave them without anything to do in His vineyard, so that they may be tempted to feel that they are only cumberers of the ground. On the contrary, there are some things which the old can often do better than the young. While the latter have the energy and vital force so needful in the execu-

tion of life's work, the former ought to be specially prepared by the lessons of experience for some departments of it. There is a calmer wisdom, which sometimes supervenes as the passions die out and the active powers decay, which has important uses in the economy of human life. Besides this, men are generally supposed to be more unbiased when deciding questions connected with a future of which they are not likely to form a part, or in examining principles that are to influence the world after they shall have taken leave of it.

Considerations like these have induced me to undertake something which I am not sure you will entirely approve. It is this: to give expression to thoughts and opinions growing out of certain recent events, as well as the principles involved in them, in a series of familiar letters, addressed to yourself, as the senior member of the late Virginia Delegation, and, through you, to others. I prefer epistolary to more didactic writing, because it allows greater freedom; and letters addressed to a friend, rather than directly to the public, for the same reason.

I cannot permit myself to hope that you will agree with me in all that I shall say. On the contrary, I foresee that your constitutional conservatism will lead you to be cautious in admitting some of the ideas that I may present; but I am very sure that you will use your influence to secure for them that kind and candid consideration which their importance, and the unsettled state of the public mind concerning some of them, demand; and that is really all that I aim at. I would indulge no dogmatism respecting them; I only wish them to be carefully examined. They appear to me to offer a solution of difficulties, in our present condition as a Church, which otherwise are beyond the reach of remedy.

You know well that I entertain a sentiment of almost filial veneration for Virginia, and that I have good reasons for it; reasons personal, political (or I should rather say, patriotic), and ecclesiastical. I am not a native of that State, indeed; but when I tell you it was the birthplace of an honored parent, and the home

of a line of maternal ancestors extending far into her colonial history, you will readily understand that accounts of her great men, and great events, and pleasant revelations of social life in Virginia, were among the first lessons of my youth: nor will it be matter of surprise if impressions formed thus early, and blending with the very dreams of boyhood, should ripen into a sentiment which belongs rather to the region of poetry than practical life.

But I have since learned to venerate Virginia for other and still higher reasons. I remember, as well as if it occurred but yesterday, an event in my own personal experience, which took place a very long time ago. I had been to pay my respects to an honored relative (the widow of the venerable St. George Tucker), who then resided at Williamsburg. In going from that place to the opposite side of James river, to visit for the first time the graves of my grandparents, who formerly resided there, I passed through Jamestown. I shall never forget, while memory holds her seat, the emotions which swelled my bosom as I stood (with heart deeply impressed and head respectfully uncovered) contemplating the most venerable monument of the past that America can produce. Yonder, thought I, first landed the true "*Pilgrim Fathers*" of our country, and the edifice of which those are the ruins was the cradle of American Christianity, and that in which our own infant Church was rocked! There the first song of praise was sung in the wilderness, and the first prayer offered. And it was to me a source of natural, and, I think, pardonable pride and pleasure, to remember that, when Protestant piety first spoke in devotion upon these shores, it took voice in the language of our noble Liturgy, and embodied itself in the services of our Apostolic Church.

When I turned away from the contemplation of that now silent and solitary scene, it was with the sentiment welling up in my heart, and almost becoming audible upon my lips: "Grand old Virginia! They call thee 'the mother of Presidents,' and it is well: but,

though Washington was one of them, thou hast a still higher and holier claim, for thou art the mother of Churches also." That American may well suspect himself whose patriotism does not grow stronger amid the associations of yonder historic landing-place, and his piety warmer while contemplating the ruins of that lonely and (alas!) now neglected sanctuary.* If the one entitles Virginia to the reverence of the nation, the other surely does to the veneration of the Church.

With this long-cherished sentiment giving color to my thoughts, it was natural that, having heard that a proposition respecting the Baptismal Office, intended to pacificate contending parties, would be presented (by way of humble petition) from Virginia to the late General Convention, I felt confident that anything not utterly extravagant, coming from such a source, would be favorably as well as respectfully received. And when I understood that it had been unanimously agreed to in the committee to whom her Council had referred it; had passed just as reported, with almost entire unanimity, in that Council; and withal, that it was supported by the names of some five hundred of our best clergymen elsewhere; and when, in addition to all this, I learned what that proposition was—about the least thing that possibly could be asked—no change in the Prayer-book, not the alteration of a single line or letter, leaving the Office precisely what it was; only asking that any whose consciences were disturbed by the use of certain non-essential phrases might be allowed to omit them—that feeling of confidence was confirmed. But when I saw, in the public papers, that such a proposition, coming from such a quarter and sustained by such advocacy, had been almost unanimously (I had like to have said, ignominiously) rejected, I confess the intelligence, as it reached my humble retirement, moved me like an electric shock! Indeed, I have reason to believe that there are men of calmer temperaments than most, who still feel a

* Who will purchase and improve a few acres around that consecrated spot, and make it a Centennial offering to Virginia?

lingering sentiment of quiet indignation that may yet manifest itself in practical results. Virginia, of old, gave to the country, not a Boston tea-party, but the calmer patriotism of the Declaration of Independence. A blow had just then been struck, by which public confidence was shaken. A sense of wrong was felt: a consciousness of oppression came over the public mind. Great principles were at once boldly grappled with; the foundations of the government were re-examined, and one of the most beneficent events in history speedily came to pass. If recent events should result in waking up some of the old Virginia statesmanship, and thus lead to a re-examination of the foundations of our ecclesiastical government also, it may develop itself, as then in a liberated nation, so now in an emancipated Church.

It would illy become me, on this occasion, to express either approval or condemnation of the old cry of "State rights," which once convulsed the country, and is again beginning faintly to make itself heard; but I am by no means alone in the opinion that it is high time that we Churchmen should hear a little more of the rights of Dioceses.

I am not prepared to say that the acceptance of the proposal from Virginia, just as it was presented, would have been the best disposition of it which could be made. But sure I am that the unconciliatory and unqualified rejection of it may yet show itself to have been the worst.

I would now ask you to direct your thoughtful contemplation to the scene referred to, as it passed under your own eye a few months since, on the floor of the General Convention. It is one of which I should be glad to present a living picture, if I were artist enough for such a task. If it filled you with emotions that do not easily find utterance, I confess, in that respect, we shall be in sympathy with each other; for I myself have had a similar experience. It is, I think, one of the cases in which feeling may be allowed to impart intensity to thought, and the intellect can reach a higher wisdom by learning its lesson from

the heart; for it is certain that Intuition is sometimes more to be relied upon than Logic, and the dictates of the "Pure Reason" (as Coleridge calls it) can, on some subjects, be better trusted than any of those lower forms of mental activity which the same philosopher attributes to the "Understanding."

The scene which I desire you to reproduce in vivid recollection is worthy of the pencil of Hogarth or Michael Angelo. It was when the Venerable Parent of Protestant Christianity in this land, she who (as I said before) built the first house of worship, sang the first song in the wilderness, and offered the first Christian prayer, and, withal, baptized the first and noblest convert from the surrounding heathen,* and thus, while she cradled, consecrated an infant Nation—and that, too, be it remembered, before "Plymouth Rock" had been made sacred by the tread of freemen, and while the noble "Mayflower" was yet unknown to fame—it was when this "Old Virginia" presented herself as a suppliant before a crowd of her younger sisters in the Church, and begged, as for life, that they would grant her one little boon! And what was that? She told them that some of the best of her clergy and laity had long been suffering under a burden which had at length become too heavy to be borne; that not a few of her wisest and most faithful (both clerical and lay), for generations back, had felt it through life, and gone to their graves bearing this sorrow upon their hearts. She might have added, that the most beloved of her bishops, to whom, as a diocese, she was more indebted than to any other, and her highest authority in matters of the Church,† had said: "*I never use that baptismal service without pain, because its plain, literal meaning contradicts my belief;*" and that his friend and fellow-laborer on the other side of the ocean, Charles Simeon, had left on record this touching declaration: "I know that many conscientious ministers have gone heavily all their days because they knew not how to act; whether to use expressions which they did not approve, or to drop the use of

* Pocahontas.

† Bishop Meade.

them, or to relinquish the Church.” She reasoned, also, that it was but a little thing she asked; not any change in the Prayer-book, not the alteration of a line or a letter, but only that those of her clergy whose consciences were hurt by the use of certain expressions in that Office (not at all essential, either to its beauty as a service, or its validity as a sacrament) might *be permitted to leave them out*. It was when this modest petition had been rejected by a negative so overwhelming that it sounded like a peal of thunder from the Vatican—just at that point in her history (which I trust may yet prove to be a *turning point*)—I would have *a picture taken*, that shall be indelibly impressed upon the soul of every Virginia Churchman; just at that moment when this Ancient Church, bending before a company of younger dioceses (most of whom are still in their minority, and others bantlings of two, three, and five years), was startled by the thunder-peal of which I spoke; *that* is the scene that I would commit to immortal canvas! The picture would have in it, I am persuaded, not, indeed, the seeds of revolution, but (what is far better) a pledge of just and wise CONSTITUTIONAL RECONSTRUCTION.

For myself, I must say that the event to which I have referred has made an indelible impression on me. If I were to live to the age of Methuselah, it could never pass from my memory. I hope I shall have grace to forgive, but I cannot forget it. It has wrought an entire revolution in my feelings, if not in my opinions, and done more than anything else to prompt the present, earnest, and, as far as I can make it so, thorough inquiry. Indeed, I have reluctantly and slowly, but decidedly, come to the conviction that, if present tendencies are not sternly checked, the most dangerous foe to Protestant freedom and Evangelical Christianity, in this land, may yet turn out to be the General Convention of the Protestant Episcopal Church! In theory it seems to be a myth just now, but in practice it is in danger of becoming (unconsciously, I believe) a mammoth usurpation. Oh! that Virginia could be induced to burst the pack-thread bonds of sophistry and

prejudice which she has allowed the busy Lilliputians of the Church to weave so stealthily around her noble person, and (like Gulliver, in Swift's fairy tale) to rise up in the majesty of her strength before them, as *a complete, independent, and God-created Church!* Not isolated, indeed, but in alliance with others, and sustaining important relations to them. Each member of the confederacy, however, with its sovereignty (its right of self-government) unimpaired, because divine, and therefore inherent and inalienable. The day on which that shall be wisely done will pour a flood of light upon the whole subject of American Episcopacy, and be one of the brightest that has ever dawned upon us. Indeed, some think that it would be as if "the day-spring from on high" had visited us; and they are now anxiously looking toward Virginia to see if there be not signs of the dawning of such a day in that quarter of the heavens.

You perceive, my friend, that the topic here presented is one of surpassing interest. It involves not only the successful working, but the very existence, of any system of true *Diocesan* Episcopacy. The recollections of the past, as well as any reasonable anticipation of the future, conspire to enhance our estimate of the grave questions connected with it. I therefore do not think it a matter of regret, at all, that recent events in both the hemispheres of American life (political and ecclesiastical) seem to prepare the way for the consideration of a subject that might not otherwise awaken suitable interest in the public mind. In this we have another illustration of the fact that American society is so constituted that we can seldom have any great controversy in the State which shall not create a reflex agitation in the Church; and it sometimes happens that when issues connected with the one blend with those which grow out of the other, they result in concentrating public thought upon inquiries which become wisely, as well as profoundly, radical. It seems to me that it must be so here. While statesmen throughout the land are considering whether there has or has not been an attempt by Federal Power

to settle at the point of the bayonet questions which belong exclusively to each State, there are Churchmen in all our borders who, in their calmer sphere of thought and action, have begun to ask whether the late petition of our oldest Diocese to the General Convention, and its untimely fate, do not suggest that the constitutional relation between these venerable Bodies has, in the course of events, come to be misunderstood; and now requires to be re-examined, and, if need be, readjusted. Nor can it be concealed from an inquirer who is capable of looking beneath the surface of his subject, that the principles that underlie this controversy, in both its forms, are perfectly identical.

The world is getting full of American ideas. They sparkle upon the surface of things everywhere. And none are more striking or more beautiful than those connected with the philosophy of social life. Among them is, I think, deservedly conspicuous, the following: *That Government is a science, and, like all sciences, its laws are uniform and universal.* When this important lesson shall be fully learned, our countrymen will be cautious how they undervalue in one department, principles of which they have a high estimate in another. He who is intelligently the friend of freedom in the State, is not likely to become its enemy in the Church. If his perceptions be clear, he will see that it is important to have the institutions of both moulded under influences that are harmonious with each other. Hence, it is true, the world over, that while Autocracy and Hierarchy have a tendency to coalesce and sustain each other, and their culmination is generally at Rome, religious and political freedom are associates and allies everywhere, and flourish best in company with each other. Piety and Patriotism, therefore, have a common heritage, and are always safest when dwelling together beneath the shelter of the same divine economy.

You are becoming impatient with me. You perhaps think I delay too much, or deviate. Not so much as might be supposed, however, when you reflect that I rely less upon ideas which I ex-

press myself, than upon those which I hope to awaken, as I proceed, in other minds; and that I attach less importance to what I say, than to what I may be so fortunate as to suggest to those who are better capable of grappling with these weighty topics than myself. My next letter will make manifest the application of these introductory remarks.

G. W. R.

LETTER II.

A Popular Theory Examined; Two Questions, one of Fact, the other of Principle. Transfer of Power from the Dioceses to the General Convention. Five *Preliminary Considerations*:—1st. A Canon of Historical Criticism—*Antecedent Improbability*. 2d. Causes Operating in the State, but not in the Church—A page from History. 3d. Solidarity of the Dioceses—The General Convention elected by State Conventions, not by Popular Vote. 4th. All Judicial and Executive Powers carefully withheld. 5th. A Suggestion from John Jay.

REV. AND DEAR BROTHER:—

You are well aware that the popular impression, and that which practically controls the administration of our Church, is, that the several Dioceses, at the time they formed their union, transferred almost entirely their right of self-government to the General Convention. The correctness of that theory I propose now to examine. I ask you to aid me in making the inquiry fair and thorough.

Two important questions divide the subject between them. One is a question of fact, the other of principle. The first is, “*Have they (the dioceses) done it?*” The second, “*Can they do it?*” Let us address ourselves to a careful investigation of these important issues. Upon a wise decision of them very much depends. No less than whether Episcopalians, as such, are freemen, or whether they have signed away their liberties, and allowed Christianity to become enslaved amongst them. Nor does it alter the case that their fetters do not gall them now. The most helpless and hopeless slavery is that which is in love with its chains.

Fisher Ames said, long ago, that “the people of America are never likely to surrender their liberties to force. They can only be cheated out of them.” In the Church, policy must prepare the way for unlawful power. Usage sometimes expands into

usurpation. Well-planned state craft, too, may (aided by bayonets) succeed in enthroning despotism in the nation for a time; but it can be only for a time. The sword must soon surrender to what, in an age of civilization, is a nobler and mightier weapon, the *pen*. And he who knows how to shed wisely a vialful of ink, may sometimes save oceans of blood to his country, or treasures of invaluable truth to his Church. If American Episcopalians are ever deprived of their heritage as Protestants, they, too, must be cheated out of it. We should remember, however, that the most dangerous deceptions are those which men practice upon themselves; and of all delusions by which they are self-bewildered, few exert a more injurious influence upon character and life than false theories of the Church.

This brings up, in its strongest light, the question of fact, which comes first before us. I approach it slowly, for I am aware that the subject is comparatively new, and that there are prejudices in the way of its discussion that need to be dealt with tenderly. *Have the dioceses divested themselves of their sovereignty?* Did they intend that their existence should be practically merged, as it has been, in that of the General Convention, and supreme legislative power be confided to federal hands?

Before entering upon an examination of either the import or authority of the document upon which any answer to this question must depend, I will ask your attention to some *preliminary considerations*, the importance of which you will perceive as my argument is unfolded.

1. One of the canons of historical criticism, by which the most beautiful results have been worked out in modern literature, is that which directs us, when studying any controverted event in history, to an examination of the *social conditions* in the midst of which it is supposed to have arisen. Each generation, as it comes upon the stage, shows itself to be historically, as well as naturally, the child of the one which went before. The history of one age, if profoundly considered, will always be found to

contain a mute prophecy of the next; so that he was a philosopher as well as poet who wrote that "coming events cast their shadows before." Thus, if we of to-day would have an idea of what any set of men were *doing* yesterday, we shall be materially aided in our inquiry if we can by any means ascertain what they were *thinking* the day before; for actions are only thought embodied. Having this rule to guide us, we may proceed in our inquiries with greater confidence, although they should be attended with some of the perplexities which usually invest historical research. Imperfect records and defective documents necessarily embarrass any inquiry of the sort, but the application of such a rule will often afford the solution of difficulties which could not otherwise be overcome.

If, then, in studying the history either of the different commonwealths, or the different dioceses almost coeval with them, we find that, at the time to which we must refer as the formative period of all our institutions, the American people were distinguished by a strong aversion to local government and an intense desire for federal rule, then we have a state of things out of which that centralized embodiment of ecclesiastical omnipotence, before which the most venerable member of our confederacy so lately prostrated herself in almost Oriental reverence, might be expected to arise. But if, on examination, we discover the state of things to have been exactly the reverse; that the love of local government was then, as now, one of the strongest passions of the American people,* both in Church and State, and the jealousy of centralized power intensified by circumstances which

* A late Missouri senator, in an eloquent valedictory speech as he was retiring from that body, expressed himself thus:—

"There is another thing which especially the American people hold sacred as the life of their national freedom. It is the right to govern and administer their local affairs independently, through the exercise of that self-government which lives in the organism of the State, and therefore we find in the Constitution of the Republic the power of the National Government to interfere in State affairs most scrupulously limited to certain well-defined cases, and the observance of certain strictly-prescribed forms; and if those limitations be arbitrarily disregarded by the national authorities, we shall surely say that our system of republican government is in danger."

do not now exist, then the *antecedent improbability* of any such wholesale transfer of authority from the dioceses would become obvious, and, in the absence of the clearest constitutional provisions to that effect, decisive.

2. Just here a different train of thought comes directly into view. If our country's history informs us that the jealousy of federal rule had become so intensified as to excite alarm among the wisest and best of our revolutionary patriots, and even to hazard the rejection of the most perfect form of government that the world had then known; and if we learn, also, that this master-passion, which had obtained such sway over the American public, was only broken down at last by the force of causes which could not be resisted, and which involved the very life of the nation; and if, furthermore, we find, on examination, that not one of these causes, operating so powerfully in the State, existed, or could exist, in connection with the Church—then we are led by another route to the conclusion that, whatever the States may have done (under the pressure of severe necessity), the dioceses could never have intended to merge their separate existence in any such consolidated government as that which now sternly rules our Church. If this be so, then the whole theory of our constitution, as held by many, has been a disastrous mistake. I know, indeed, that it has grown up very naturally, without any purpose of wrong doing, out of the confused condition and inexact proceedings of that early day. But this has not prevented, but rather increased, the evils, and renders still more imperative the call for revision and readjustment.

Let us just here, in confirmation of these views, borrow a page from history. Whoever reads the life of our country's most eminent sage, citizen and soldier, written by her profoundest jurist (both Virginians), will find, in the fifth volume and second chapter of that interesting work,* some facts showing that for the very first movements toward the formation of our present national organization the world is indebted to your venerable commonwealth.

* Marshall's Life of Washington.

They occurred in this wise: Commissioners from Maryland and Virginia, on the subject of the navigation of the Potomac and Chesapeake, had met at Alexandria. During a visit at Mount Vernon, and under an inspiration from that sacred place, they agreed to adjourn without action, after making arrangements for the meeting of another assembly at Annapolis, with larger powers and from a wider constituency. This, again, having found its capacity inadequate to the necessities of the country, agreed to adjourn without adopting any measure of importance, except that of directing their members to ask from their several governments, and those of other States not represented there, such enlarged powers as should enable them to consider, and in the light of experience to remedy, *all* the defects which had been discovered in the national confederation. This, again, led to the Convention which formed the present Federal Constitution.

It is interesting, and most instructive, to read in Judge Marshall's admirable work the process by which power enough was wrung from the reluctant States to form and invigorate a national administration. It will be found edifying, and in this connection highly significant, to note, also, that the causes which led to that magnificent result were threefold, viz.: military, commercial, and diplomatic. The military posts on our northern frontier were still occupied by British troops. An army, even of seven hundred men, could not be raised by Congress, under the old confederation, to man them. It was necessary, also, to have a treaty-making power, that should command respect and confidence at foreign courts, which a confederacy of thirteen independent commonwealths could not furnish. "But the cause of the most extensive disquiet (says Judge M.) was the rigorous commercial system pursued by Great Britain." * * * * "With many the desire of counteracting a system which appeared to them so injurious triumphed over their attachment to State sovereignty," etc. * * * * "The several States, acting without concert, would be no match for Great Britain in a war of commercial regulation."

Such were the causes which subdued the watchful jealousy with which the American people of that day guarded their local sovereignty, and compelled them to yield to the necessities of the nation. And my argument, at this point, is, that, as there were no such causes operating in the Church, there local sovereignty was intended to remain intact and paramount. I do not see how such a conclusion, drawn from the known facts of the case, can be avoided.

3. The idea of the solidarity of the dioceses, which has been gradually growing up amongst us within a few years, is not only at variance with the spirit and temper of the age in which our institutions originated, but, like its kindred figment, the Romish doctrine of "the solidarity of the Episcopate," has proved, in a high degree, hostile to Protestant freedom and Christian truth. The American dioceses were considered, from the first, complete, distinct, and independent ecclesiastical entities; afterward confederated, indeed, but never consolidated. In proof that this was so, it is only necessary to refer to one fact, which can neither be denied nor misinterpreted, and is decisive of this question. The deputies to the General Convention are elected by the State conventions, and not directly by the people. They properly represent those conventions, therefore, or, rather, the dioceses in their corporate capacity, and not the private members of the Church. In our national Constitution, these two very distinct, and sometimes conflicting elements, one of which represents a confederacy, and the other a consolidation, have been skillfully adjusted and combined. The former appears in the Senate, which is elected by the State Legislatures; the latter, in the House of Representatives, which is called into being by a popular constituency. Hence, the "right of instruction," as it is called, has always been claimed as belonging to the State Legislatures, in reference to the Senate; but not in reference to the other House. I remember to have seen, many years ago, an able discussion of that question from the pens of two distinguished Virginians: Charles Fenton

Mereer, and, I think, Watkins Leigh, of Richmond. My impression is, that such a discussion might throw light upon the topic now before us. My argument, then, is, that the absence from our ecclesiastical organization of any popular branch like the House of Representatives, and the fact that the members of the House of Deputies are elected by the Conventions, and not by a popular vote, is conclusive against the theory of ecclesiastical consolidation, and in favor of confederacy.* I am sure that many of the difficulties by which we have been embarrassed, and the dangers to which we are still exposed, grow out of a discrepancy between the manner in which the members of the House of Deputies are elected and the work which they consider themselves authorized to do. They are not chosen by a popular vote, and yet they legislate as if they were. Their laws bear directly, not upon the *dioceses* by which they were, but upon the *people* by whom they were not chosen, and to whom they are only indirectly responsible. This I take to be a disastrous violation of one of the "fundamental principles" upon which our union was originally based. It is a matter which needs more thorough examination than it has yet received. It points to the source of many evils to which our Diocesan Episcopacy is becoming more and more exposed. It points, also, to a reform which, sooner or later, is sure to come, unless we are willing that the great work which God has committed to us, as a Church, shall become the victim of a process of constant and unavoidable disintegration, and that large numbers, who are not thinking of it now, shall pass from ours into some "Reformed Episcopal" communion.

4. We will now proceed to take another view of the "Imperial Colossus," as it has been called, which we have been examining. It rises loftily in the centre of our ecclesiastical domain, like the Egyptian "Cheops;" an immense pyramid of power, which loses

* Dr. Hawks, speaking of our Federal Constitution, says:—

"Here is an instrument made by delegates from the several State Conventions," etc.,
 * * * * "and, therefore, in all they did, to all intents and purposes, representatives of the State Conventions."

itself in the clouds. Some say, indeed, that it is becoming like the leaning tower of Pisa; that it has evidently lost its perpendicularity; and they do not hesitate to predict that, unless a process of readjustment can be devised, it will soon be brought to the ground by its own weight. There are others, also, who are beginning (somewhat irreverently, I think) to compare it to another still more celebrated tower, viz., that which was built on the plains of Shinar. The point of resemblance which these observers designate is this: that a sort of linguistic insanity seems to have emanated from it upon those around. They cannot understand each other's language. Hence, a war of words has arisen, which goes on without abatement, and, seemingly, without end. While one party is insisting that black, in popular speech, means white in the language of the Church, and another is triumphantly announcing a "Declaration" from high authority (intended to supersede the dictionaries), explaining that certain deeply spiritual language has no "moral" meaning at all, it is daily becoming more evident that the curse of an incurable and almost pugnacious *Logomachy* has descended upon us. There are those who insist that all the dialects of Babel (some even whisper "Bedlam") may be heard there; and there are not wanting thoughtful and devout observers who insinuate that in the present case, as in that of old, such "confusion of tongues" indicates that a decree has gone forth for their dispersion, in order that, aided by the polyglot facilities of their early training, they may the more effectually replenish the earth.

5. The General Convention was just now compared to an Egyptian pyramid, and, in several respects, the similitude is an apt one; but there is a striking difference, which the purposes of this argument require me to point out. To it I now ask your particular attention. "Cheops" does not stand alone. It is surrounded by similar stupendous piles. But please to observe that the lofty ecclesiastical structure which we are contemplating towers in *solitary* grandeur, as it casts its shadow over some forty-five or

fifty complete (theoretically) and independent churches. As a legislature, indeed, its powers seem to be mountain-high; but note thoughtfully, if you please, the significant fact that it is unsupported by any co-ordinate judiciary, on the one hand, or executive, on the other. Did you ever behold such a phenomenon before? Can the world show anything like it? Can all history furnish a parallel? Do you call that a government?

The power of making laws, without that of interpreting or enforcing them, is scarcely the shadow of government. Can you suppose that the framers of our constitution really intended to create such an anomaly? What sort of government would the American Congress make if divorced alike from the federal judiciary and the federal executive?

The only intelligible solution of the difficulty which here presents itself, we shall find, I think, in a fact which seems to have been in some way strangely lost sight of, but is clearly written in the constitutional history of the Church. It is this: that as all judicial and executive authority was jealously retained by the dioceses, so were intended to be all legislative faculties, except only those which in their very nature are necessarily *extra-diocesan*. In other words, that very limited legislation, which could not be "conveniently exercised" in the dioceses, was intended to be conferred upon the General Convention, and no other. If you ask how such a molehill as that should have swelled into such a mountain as this, I can offer no explanation, except to say that all history shows that imperial, or, if you prefer, federal, power has a tendency to indefinite expansion, except when closely watched and boldly restricted by the fidelity and vigor of the local institutions.

6. I shall next proceed to suggest, rather than formally present, an argument which I cannot now develop, but which seems to be foreshadowed in a caution from the first Chief Justice of the United States, respecting the mode of electing delegates to the Convention which framed our National Constitution. I have no means at hand of verifying its application to the preliminary action

of any of the dioceses, and only point it out as a subject of inquiry.

John Jay was not only a churchman and a statesman of no common mould, but a profound jurist, and he starts a deep question, and one which applies to the constitution of the Church as really as to that of the Republic, when, in his letter to General Washington, of January 7th, 1787, concerning the Convention to frame a Federal Constitution, he writes thus:—

“To me the policy of *such* a Convention appears questionable. Their authority is to be derived from the State Legislatures. Are the Legislatures authorized, either by themselves or others, to alter constitutions? I think not. They who hold commissions can by virtue of them neither retrench nor extend the powers conveyed by them. * * * Would it not be better for Congress plainly, and in strong terms, to declare that, * * * in their opinion, it would be expedient for the people of the States, without delay, to appoint State conventions (in the way they choose their general assemblies), with the *sole* and *express* power of appointing deputies to a GENERAL Convention?”*

And now, my dear sir, having occupied you longer than I expected with these “preliminary considerations,” which, I think, however, will be found to bear very forcibly upon the main proposition which is before us, I shall defer another aspect of our subject until my next letter.

G. W. R.

* See Life of John Jay, vol. I, page 25.

LETTER III.

A Step in Advance. *Preparatory Proceedings*. Another page from History. Letters from Maryland. Fundamental Principle from Pennsylvania. A Drummond Light. Proceedings in Maryland. Important Report. A Tidal Wave. Rev. Mr. West to Dr. White. Proceedings in Virginia. Convention. Instructions. Dr. Griffith.

REV. AND DEAR BROTHER :—

We will to-day, if you please, take a step in advance of the position which was occupied in my last letter, and in so doing get nearer still to that upon which I think we shall be obliged to make our final stand. By this gradual, but, I fear, you will think too tardy, approach we gain an important advantage. We have an opportunity of carefully surveying the ground over which we pass, and at the same time of reconnoitering the stronghold of that herculean Error which has been allowed to intrench itself behind the federal constitution of the Church.

Let us, then, look at another aspect of our important theme. We propose to examine some of the *documentary* evidence which it brings before us. Not yet, however, the constitution itself, upon the right interpretation of which so much depends, and from the misunderstanding of which I think our most serious troubles in the past and present, as well as most alarming perils for the future, have arisen; but the record of those *preparatory* proceedings to which that constitution owes its existence. There we shall find the “fundamental principles,” as they have been called, upon which our ecclesiastical union was originally constructed. To them we must look to ascertain the powers that were conferred upon the framers of that constitution, as well as those which were withheld. We must find there the limits of their authority; and we come to the study of their action and its results with the conviction that if in anything they

have transcended those limits, to that extent their proceedings have been void from the beginning.

Here let me say, in passing, that it is only just and reasonable, since the theory of federal rule which I am opposing goes upon the assumption that the diocese, which was with us the original church, actually stripped itself of legislative power, and transferred that power to the General Convention (scarcely reserving so much as a fig-leaf to conceal its own impoverished nudity), that the advocates of that theory should be held to a strict account, and made to authenticate every step in the proceedings by which such a stupendous result has been achieved. In examining this claim, it will be convenient for all parties that I again borrow a leaf from history. It will be found in the third volume of an admirable work which has recently been given to the public by the Rev. Dr. Perry, * the historiographer of the Church. There may be seen on the forty-fourth page of that volume a notice of the appointment of a committee at one of the preliminary meetings which preceded the formation of the General Convention, "authorized in general to transact all business relative to the concerns of the Protestant Episcopal Church in the State of Pennsylvania." "This committee (says Dr. Perry) appears to have entered at once upon their duties, and we insert in this connection the following letter, received in reply to one of their communications, as attesting, more strongly than any similar document we have noticed, the idea of '*Diocesan Independence*, as held by the Maryland clergy, *in common with their brethren throughout the land.*'"

The letter referred to is from Rev. Mr. West, one of the founders of the Church in Maryland. Mr. West says:—"I think that the Protestant Episcopal Church, in each particular State, is fully entitled to all the rights and authority that are essentially necessary to form a *complete and entire Church*; and that as the several States in confederation have essential rights and powers independent of

* "A Half Century of the Legislation" of the American Church.

each other, so the Church in each State has essential rights and powers independent of those in other States." * * * * "Yet, notwithstanding, I do not think it impracticable to answer every good purpose of any general plan, and preserve, at the same time, to each particular *State Church* all the rights and authority I have mentioned."

After a careful examination of the sources of information within my reach, I fully agree with Dr. Perry that this communication, from a representative man in Maryland to a representative committee in Pennsylvania, only gave utterance to "the *universal sentiment of their brethren throughout the land.*" And the annals of that time furnish abundant evidence that the churchmen of the different dioceses were, on that subject, fully in accord with the citizens of the different States.

In this connection, Dr. Perry also directs attention to an important letter from Rev. Dr. William Smith, a leading spirit in the Maryland organization, "which (he says) bears strongly upon the subject of *diocesan independence, as held by the framers of our Ecclesiastical Constitution.*" *

In the volume to which I have referred, the Doctor also spreads out at large a Report of a Committee, which lies at the foundation of the Church in Maryland. It was almost cotemporaneous with the meeting in Philadelphia, out of which the present organization of the Pennsylvania Church arose. That meeting adopted certain "fundamental principles" for the instruction of their delegates, who were authorized to co-operate with persons appointed from other States, to construct a *plan of union*, which should bring into such general connection as might be deemed advisable the independent Church sovereignties then existing in those States. Dr. Perry says that these "fundamental principles" are "partly founded on proceedings of a similar character which are referred to in the important Report from Maryland above mentioned." I regard one of these, thus presented, almost

* Vol. III, p. 22.

simultaneously, in Maryland and Pennsylvania, as a sort of "Drummond light," by the aid of which we may read more intelligently the annals of that time, as well as the general Ecclesiastical Constitution which grew out of them. Certainly, the voice to which it gave utterance was immediately echoed from every section of the land. I here print it in italics, because I consider it calculated to furnish a solution of the most difficult problem in the ecclesiastical constitutions under which we live, and clearly exegetical of them all. Happily, too, that light becomes focal just when it is most needed, and enables us to see distinctly subjects respecting which Episcopalians generally are too much in the dark. The clause referred to is the following, I beg you, my dear sir, and all interested in this discussion, to give it careful consideration, and then honestly and intrepidly to follow it to the conclusion to which, it seems to me, it cannot fail to conduct all candid minds: "VI. *That no powers be delegated to a General Ecclesiastical Government, except such as cannot conveniently be exercised by the clergy and vestries in their several congregations.*" The latter clause of this sentence clearly denotes what one of the Maryland committee, to whom reference has been already made, calls the "*State Church*," or what we are now accustomed to designate by the word diocese. It very clearly points out, also, the organic limitations of all federal power in the Protestant Episcopal communion.

"The important report" which Dr. Perry makes so prominent, as lying at the foundation of the Maryland Church, was signed by three clergymen, the Rev. Messrs. Smith, West, and Andrews, and two laymen, R. Ridgely, Esq., and Dr. T. Craddock. One of them, the Rev. Mr. West, has put himself squarely on record in the matter of diocesan independence, as will be seen by the letter from which I have offered a quotation, and his associate, the Rev. Dr. Smith, has done the same. Of the two laymen who signed that report, I have had ample opportunity to know that one of them, at least (and he the only lawyer on the committee, and who,

therefore, probably had much to do with the legal documents embodied in it), was quite alive on the subject of "*State rights*" and local government, and so in full sympathy with a strong current of popular feeling which was just then spreading like a tidal wave over the land.

Dr. Perry, referring to a meeting of clergy and laity which took place at New Brunswick, in May, 1784, says that they found themselves at the outset unable to agree on the fundamental principles of union, a subject on which the annals of that day will show that opinions were exceedingly unsettled. But he goes on to remark that, a little later, there was convened in Maryland a Convention which, from its bearing upon the subsequent action of the Church at large, required a full and minute detail. In the "Declaration of Rights," adopted about that time, occurs the following:—"We consider it the undoubted right of the said Protestant Episcopal Church (in Maryland) to complete and preserve herself as an *entire Church*" (Perry, vol. III, p. 6).

Mr. West, already referred to, has, in a letter to Dr. White, the following passage, alluding to the same subject, in its connection with the proposed union. He says: "With this foundation happily laid, the unimportant local varieties of the several State Churches from each other, according to their particular circumstances, cannot, in my apprehension, either break its connection or injure the prosperity of the Church in general." The idea was that these "local varieties" of the several "State Churches" were to be provided for by themselves, "according to their particular circumstances." This, indeed, was a matter of course with the idea of independence which then universally prevailed, and which, as we may learn from this and a variety of other sources, was the only basis upon which any federal union could have, at that time, been possible. Indeed, the thing itself is so reasonable, and so fully in harmony with the well-known facts of our early history, that it must be a matter of surprise that any other view should have found encouragement enough to make itself manifest.

But that it should have gradually attained such ascendancy that a diocese like Virginia could not allow her clergy to leave out one or two phrases in an occasional Office, which offended public sentiment there, without asking leave of an *extra-diocesan authority*, is something which almost exceeds belief.

Mr. West says likewise: "The limits of each State also appear to me the most proper, as well as most natural, district for each bishop. In this case each Church will be entire and *independent as the State in which it is*." It will be remembered that when this was written the Federal Constitution, and the "more perfect union" which it accomplished, were as yet unknown, and the States were independent sovereignties, united to each other by nothing stronger than "Articles of Confederation."

The Convention of Virginia, which was also called to take into consideration questions connected with the proposed union, and to appoint and instruct her Deputies, adopted resolutions of which the two following are a part:—

Resolved, That it is the opinion of this Committee, that instructions be prepared for the conduct of said Deputies.

Resolved, That it is the opinion of this Committee, that the said instructions be so framed as to *leave the Convention of this State at liberty to approve or disapprove the proceedings of the General Convention*.

Of the Convention which passed the above resolutions, Dr. Perry says: "It is hardly too much to say of it, that in the influence which it had upon the subsequent legislation of the Church at large, in the principles which it enunciates, and in the evidence which it affords of the temper and opinions of the Virginia churchmen of that day, it is second in importance only to that of Maryland" (vol. iii, p. 51).

In the instructions given by the Virginia Convention to their Deputies in 1785, we find the following:—

"We will not now direct what ceremonies ought to be retained. We wish, however, that those which exist may be estimated according to their utility, and that such as may appear fit to be laid

aside may no longer be appendages to our Church. We only add, that we expect a report of your proceedings" (Perry, vol. iii, p. 49).

In a letter from Dr. Griffith (who was, I think, the first bishop elect of Virginia) to Dr. White, of Pennsylvania, July 26, 1785, the following interesting, and, so far as our subject is concerned, very significant, statement is made: "In the present state of ecclesiastical affairs in this State, the clergy could not with propriety, and, indeed, without great danger to the Church, empower any person to agree to the least alteration whatever. I shall explain to you the necessity of their acting with this caution when I shall have the pleasure of seeing you."

Now, under the circumstances here cautiously intimated, how is it possible to suppose that the Church of Virginia could have ventured to transfer her allegiance to a foreign ecclesiastical authority (and with it supreme control over the spiritual interests of Virginians), to persons who were in no way connected with that high-spirited and jealous old commonwealth? Even if the members of the Church had not been in this respect in full harmony with their fellow-citizens of the State (which they certainly were), the former would not have ventured to enter into any such arrangement without the approbation of the latter.

I have been surprised to find the early annals of the Church so rich in materials of the kind here presented, and I think that we are much indebted to Dr. Perry for bringing them so prominently into public view. They seem to me to place the subject of *diocesan autonomy* beyond the reach of doubt. I am quite sure that no man who fails to study them will be able to do justice to some very important constitutional questions which are just beginning to attract the notice and challenge the thoughtful scrutiny of earnest and honest inquirers in our communion. Until these shall be settled, Ritualism and Sacerdotalism, Semi-Romanism, and even Semi-Rationalism, in all their forms, will continue to bid defiance to the discipline of the Church; as, indeed,

until then, they have a right to do. It is impossible to deal effectively or wisely with error, either in doctrine or practice, until questions of this sort shall be determined; for the plain reason, that no man is wise enough to tell what the authorities of the Church ought to do, until he has ascertained, by an examination of her fundamental law, what they have a right to do, and how they are to do it.

For Episcopalianism to ignore this class of questions, or treat them with indifference, will be, as I have said before, certainly to drive them into the civil courts. It is important to remember, that even in countries where the State and the Church have never been, and can never be united, the civil and ecclesiastical interests of men are not entirely separate. No American citizen is permitted to conceal himself in the seclusion of any secret society, or even religious combination of any kind whatever, either from the authority or the protection of his country's law.

The present Dean of Canterbury (Dr. Stanley) is, both from his position and personal qualities, a representative man in the Anglican communion, just now. In one of his late works he has a passage bearing on this subject, which I here copy, partly for its beauty, and partly for its truth. He says:—

“If the Christian religion be not a matter of mint, anise, and cummin, but of justice, mercy, and truth; if the Christian Church be not a priestly caste, or monastic order, or a little sect, or a bundle of opinions, but ‘the congregation of faithful men’ dispersed throughout the world; if the very word which of old represented the faithful ‘people’ (*λαός*) is now to be found in the ‘Laity;’ if the Biblical usage of the phrase ‘Ecclesia’ literally justifies Tertullian’s definition, ‘*ubi tres sunt laici, ibi est Ecclesia*,’ then the range of the history of the Church is wide as the range of the world, which it was designed to penetrate.”

If this be true of the history of the Church, then the same intimate relations render it important that its jurisprudence likewise should be open to the inspection and subject to the constitutional authority of the State.

It is certain, also, that as Christian communities grow large, and their interests and connections become complicated, the necessity increases that their religion should be enveloped and protected by their laws. To neglect the one is to endanger the other. A jewel cannot be safely kept if the casket shall be neglected. A sword will not long be keen and polished after the scabbard has been thrown away.

G. W. R.

LETTER IV.

Outposts Passed. Citadel Attacked To-day. A priori Argument. We open the Constitution itself. Articles seriatim :—Art. I. A General Convention Established. *We Search for its Powers*; none here. Art. II. None here; House of Deputies. Art. III. None here; House of Bishops. Art. IV. None here; Episcopacy Exclusively Diocesan. Art. V. None here; Union not Essential. Art. VI. A small Ray of Light. Art. VII. None here. Art. VIII. Another small Ray—Pyramid upon its Apex. Potent Innuendo. Express Powers, what? implied, what? A Rubric-ridden, *Canon-*aded Generation. Art. IX. None here; Constitution, how Altered. Art. X. None here; Bishops for Foreign Parts. Oh, ye invisible powers that govern us, where are ye hidden?

REV. AND DEAR BROTHER:—

In the last two letters we have been skirmishing with the outposts of this discussion. To-day we attack the citadel. We have arrived at a higher stage in the progress of our inquiry. We stand on more elevated ground, and at a point which commands the whole field—that over which we have passed, and that which still lies before us.

We have approached that position cautiously, and tried to make sure of every step as we advanced. In the second letter of this series we looked closely and carefully at the *social conditions* out of which the Constitution that we will to-day examine is known to have arisen, and I think came to the conclusion that such a document as (under the pressure of what I conceive to be erroneous interpretation) this one has turned out to be could not possibly have been intended. The state of public opinion and of popular feeling alike forbade it. If a deliberate transfer of diocesan autonomy to some federal power had been then openly proposed, it is certain that there would have been a universal outcry against it in the Church, as there was in the State until, under the operation of causes which were exclusively political, and by the stern necessities of our national position, the

popular will was brought into harmony with our present happy organization. In all this an *a priori* argument was developed, such as an unprofessional inquirer might very properly bring before readers who have no familiarity with legal topics. It showed the *extreme improbability* of any such surrender of self-government on the part of the dioceses as is assumed to have taken place, from the following facts:—

1st. The intense and highly sensitive jealousy of federal power which pervaded all the local institutions of that day, both in Church and State. 2d. From the absence in the Church of any of those causes which compelled a reluctant change of this policy in the State. 3d. From the fact that there has been no expression of such change in the Constitution of the Church as there has been in that of the nation, in the shape of a popular branch of the government, like the House of Representatives. 4th. From the very suggestive fact that the dioceses, with wise precaution, reserved to themselves not only all judicial, but all executive authority; conferring only legislative powers upon the federal Church, and that, as I suppose, intended to be carefully limited. 5th. From the decisive and unmistakable restrictions upon the action of the framers of the general constitution, expressly given to them in some of the dioceses, and implied in all.

In opening, to-day, the important document, upon a right interpretation of which so much depends, we meet on the very threshold a difficulty which challenges attention. I do not have at hand just now the journal of the Convention by which this Constitution was adopted, but I offer, in the Appendix, a copy of that Constitution, which we are entitled to consider authentic, for it is published and circulated in connection with the Journal of the General Convention of 1871, and, as I suppose, by order of that body. In that I do not find a line upon which we can rely to answer the important question, "Who made it?" For aught that we can there ascertain to the contrary, it may have been enacted by the Congress of the United States, or the Parliament

of Great Britain, or anybody else. In this respect I suppose it to be *sui generis*, utterly unlike anything in modern legislation. If you were to consult some one of the gentlemen of the Bar respecting it, and tell him that it was enacted by the General Convention of the Protestant Episcopal Church in the United States, he would perhaps reply, as his quick professional glance passed rapidly over it, "I see no evidence of that here; it does not say so in the body of the instrument at all." And then, perhaps, he would take down his copy of the Federal Constitution, and show you how widely in that respect the instrument which organized the nation differs from that which is supposed to have organized the Protestant Episcopal Church. The framers of the former do not allow themselves to say a single word on any other subject until this fundamental announcement has been made. It is obvious that they regard it as essential to the validity of the document which they were preparing. The very first words to which they gave utterance were such emphatic ones as these: "We, the people of the United States," etc., etc. Two things were made clear in the opening sentences: 1st. By whose authority that Constitution was enacted. 2d. Who are bound by it. We are not left to search elsewhere for the answer to these important questions. It confronts us in the first line, and is evidently regarded as that which imparts legal vitality to the whole. How far any of the State constitutions differ from this venerable symbol of our political faith in that respect, I have not at hand the means of determining. My impression is, that not only every constitution, but every well-constructed statute, will be found to state in the body of the instrument the authority by which it is enacted, and that this is of the essence of the act.

These remarks are made upon the supposition that the title prefixed to this Constitution is no part of the document itself; in other words, that it was not enacted. We are indebted for it, probably, to some inadvertency of the engrossing clerk, and not to the Convention; at least, I hope so, for, in that case, it might

seem to indicate that that venerable body had, for a moment, forgotten the name of the Church to which they belonged, and in whose behalf they acted. If, however, it is the act of the clerk, not inadvertent, but intentional, then we shall be left in doubt which most to wonder at (in that functionary), his presumption or his folly: presumption, in altering the name of the Church; or folly, in supposing that its acts would be recognized as having any validity under a false name. Be so good as to note the heading of the document which we are considering: "*Constitution adopted in General Convention, in Philadelphia, October, 1789.*" What a title for a legal document is this! Convention of whom? Observe, also, how it is authenticated: "Done in the General Convention of the bishops, clergy, and laity of *the Church*, the second day of October, 1789." Now, who can tell, without going beyond this document in search of other evidence, what Church is here alluded to? Is it the Greek, the Roman, the Anglican, or American? Or, if you please, the Episcopal, the Presbyterian, or the Congregationalist. Said a venerable and eminent Episcopal divine, a few weeks since, on a platform in New York: "Each household that loves God is a church in itself, as declared in the New Testament." This was but the echo of a voice (elsewhere quoted) which was uttered by one of the fathers many centuries ago, and which has been ever since sounding through the corridors of time. It was Tertullian, as quoted, with evident approbation, by Dean Stanley, who is, himself, no common witness in matters connected with the history of the Church.*

* Since writing the above, I find, by glancing again at the admirable work of Dr. Perry, that I have been misled. The person who attached that copy of the Constitution to the journal of the General Convention of 1871 has (inadvertently, we must presume) falsified the record, as may be seen by any who have an opportunity of consulting the journal of 1789. The Constitution itself, indeed, has not been tampered with, but both the heading and the subscription are fabrications. I shall print them as they are, however, since they may put others on their guard, and show what strange things are sometimes done under the apparent sanction of that venerable body. I am aware, indeed, that attempts to get rid of the word "Protestant" in the title of our Church have been more than once made in higher quarters. On that I make no comment.

A very important principle has been embodied in the tenth amendment to the Federal Constitution. That amendment did not originate it, but only gave it expression. It is merely declarative, and out of abundant caution gives formal recognition to what was just as true before. It applies to all federal constitutions. It is, simply, that whatever powers are not granted are retained. This is true, of necessity, and, therefore, true at all times, and everywhere. It is true of the document which lies before us. With the light thus furnished to guide us in our search, let us try, if possible, to find out what powers it was intended to convey; remembering that all not given to the federal Church have been reserved to the dioceses by whose sovereign mandate that Church was first called into existence, and whose inspiration breathed into its nostrils the breath of life. In entering upon this important inquiry, we will examine each article separately. It cannot take us long. There are only ten of them. The first article is now before us.

1st. The framers of this important document began their work thus: "There shall be a General Convention of the Protestant Episcopal Church," etc., etc. It is plain enough that a General Convention is here intended to be legislated into existence.

Two or three rules of order (they are nothing more) as to time and place of meeting, and what shall constitute a quorum, then, make up the first article. If, however, we would learn anything about the powers intended to be conferred on that body, we must go further. They are not here.

2d. We will pass, then, to the second article. Perhaps we shall find what we are looking for there. It organizes the House of Deputies, informs us how its members are to be elected, that they shall vote by dioceses, and, when required, by orders; but on the subject of the powers conferred, or the work authorized to be done, this second article is as silent as the first.

3d. Let us, then, examine Article III. In it we find that when there are three bishops in the General Convention, they shall

form a separate house, and have a veto upon the proceedings of the other house. But (strangely enough, on the hitherto generally accepted theory of that body) not a word is said on the subject of the authority conferred.

And now the General Convention is fully organized. The first article called it into being. The second made the House of Deputies, and the third the House of Bishops. Certainly, then, the next thing in order will be to tell us what this august assembly was made for, and what powers have been conferred upon it. Surely our search cannot be baffled now.

4th. Strange to say, these important questions remain still unanswered. The fourth article leaves us as much in the dark respecting them as the others! Indeed, it confers no powers upon anybody, but, nevertheless, is a most valuable constitutional provision. It settles a great principle, and establishes a safeguard against Popery that will be found of inestimable value in all coming time. It declares that "*every bishop of this Church shall confine the exercise of his Episcopal office to his own proper diocese.*" In other words, it makes the doctrine that American Episcopacy shall be *exclusively diocesan*, part of our organic law. There is a whole volume of important truth condensed in the single sentence which I have just italicized. But it tells us not a word about the powers which we are looking for. Where are they?

5th. Let us proceed to the fifth article; perhaps we may discover what we are in search of there. It begins thus: "A Protestant Episcopal church in any of the United States, or in any territory thereof, not now represented," etc., etc. If I understand the import of that sentence, the fact is here recognized that there were Episcopal churches in some of the States which had not then been admitted into union with the General Convention. Of course, union with that Convention is not essential to their ecclesiastical status. As they were part of the Protestant Episcopal Church in the United States before they joined the

General Convention,* so would they continue to be should they leave it. The article then goes on to designate the way in which new dioceses may be brought into connection with the Convention; but as to the powers which were intended to be conferred on that Convention, we are still left entirely uninformed.

One-half of this important document has now passed under our review, five articles out of the ten of which it is composed. We find the first three devoted to the organization of the General Convention, dividing it into two co-ordinate branches. The fourth impresses indelibly a diocesan character upon the American Episcopate, and the fifth directs how other Episcopal churches may be admitted into union. Not a word has yet been said to explain to us what this dignified and imposing organization is expected to accomplish in the world, or with what kind of powers, legislative, judicial, or executive, it is to be invested!

6th. The sixth article seems at first to have something a little more definite about it. It throws a single ray of light upon the subject of our inquiry. Legislative power is here, apparently, intended to be conferred upon the august body whose constitutional endowments we are investigating; but only to a very limited extent, indeed. It says, "*the mode of trying bishops shall be provided by the General Convention.*" To that extent such power was evidently intended to be granted. Yes, the Convention may be here empowered to legislate on "the mode" (whatever that may mean) "of trying bishops;" and that is really all which, up to this point in our investigations, we have been able to discover! But we will not be discouraged. It will never do to abandon the search in despair. Perhaps we may be more successful as we proceed. Let us try the next.

7th. The seventh article has two clauses in it. The first provides the requisites for ordination, and the second gives directions as to the officiating of clergymen ordained by a foreign bishop.

* See Hawks on the Constitution, page 3.

Such shall not be admitted as ministers of this Church until they have complied with the canon or canons in that case provided. This language might imply that such canons then existed, and a glance at the journal of that Convention would, perhaps, justify the impression. Nevertheless, such order of proceeding would be, to say the least, unusual; for it is obviously proper, if not essential, that the constitutional should precede the canon law of the Church.* Whether power to provide such is here conferred *by implication*, might be a doubtful question. For reasons to be given presently, I think not.

8th. The eighth article provides that a Book of Common Prayer, when established by this or a future General Convention, shall be used in the Protestant Episcopal Church, in the dioceses which have adopted this Constitution. It is expressly provided, also, that any alterations or additions shall be submitted to the dioceses.

This eighth article looks more like an act of real legislation than anything which has yet come before us.

One thing is undeniable, and certainly it is what I am not disposed to question; on the contrary, it lies at the foundation of all that I have been writing on this subject. The doctrine of *diocesan supremacy* is here clearly recognized. The action contemplated only becomes valid when "submitted to the dioceses." Not to the people in the different sections of our communion, but to *the dioceses*, as separate and independent organizations. Hence, the order always is that notice of such proceedings shall be transmitted to the different *Conventions*.†

But that is not the point now before us. The important words are these: "*A Book of Common Prayer, when established by this or a future General Convention, shall be used,*" etc., etc. Upon that single sentence has been reared our whole system of liturgical legis-

* "Canons are the result of union, *after it is formed*; the constitution is the bond that makes the *union itself*" (Dr. Hawks).

† Dr. Hawks on the Constitution, etc., p. 41.

lation, broad and towering as it is. Verily, I think it will be discovered that this pyramid, if not built upon the sand, is standing upon its apex.

I shall not detain you now to examine those important words, "established" and "used." They will be looked at hereafter. The question now before us is this: Does the language which I have italicized constitute any conveyance of authority at all? If so, what is it, and where are its limitations? A Book of Common Prayer, "*when* established," etc., "shall be used," etc. Now, does this really amount to such an enormous transfer from the dioceses to the federal Church as has been assumed? Would it be regarded as sufficient even in an instrument for the conveyance of real estate? Whose farm or house was ever transferred by such a process? And shall a sovereign Church be considered as divesting herself entirely of the right to regulate the public worship of her own people, and consigning that right to other hands, by such a mere innuendo as that? And yet, just there, if I mistake not, was found the club which dealt the tremendous blow that laid Virginia prostrate on the floor of the last General Convention. "A Prayer-book, *when* established by this or a future Convention." Would it be seriously contended before a Virginia court (civil or ecclesiastical) that such phraseology as that actually conferred authority to enact the immense amount of severe liturgical legislation which crowds our statute-books? The fact is, that language may mean any one of half a dozen quite different things. It may imply that such authority had already been given, or that it will hereafter be given; or it may be entirely hypothetical, and merely provide that in case such authority shall be given, the result alluded to must follow.

No, Sir. If a sovereign diocese shall be either deprived of the right or relieved from the responsibility of superintending or regulating the public devotions of her own people, it must be by language more explicit and intelligible than that. This view of the matter is specially important, now that the Liturgy has become

not merely a form of worship, but chiefly an educating agency for the dissemination of doctrinal opinions.

Powers derived from a legal document such as that is supposed to be, are either express or implied. The former are such as have been conveyed directly and explicitly in words. The latter are inferential, deduced from something that had been expressed. Now, will any one say that power to "establish a Prayer-book" is there conferred *expressly*, and in so many words? No. It can only be reached by inference. If it be a fact, the knowledge of it is *deduced* from another fact, viz., this constitutional provision, that *when* "established" by certain parties, it shall be "used" by certain other parties, etc. But here another difficulty presents itself. It is a settled principle of interpretation that in all FEDERAL CONSTITUTIONS * no powers can be "implied" except such as are *necessary to carry into effect* those which are "expressed." But if here no "express" power has been conferred, what then? Why, if that be so, then this eighth article must be as empty of all authority as the others (when examined) have turned out to be; and so we are still completely bewildered in our search. A grand General Convention has been called into existence, and it brings together every three years a solemn and magnificent assembly of our wisest and ablest men; and yet, so far as I see, no mortal can discover, from an examination of its fundamental law, what work that majestic institution is expected to accomplish in the world, or with what powers it has been endowed. This is true, at least, of the eight articles of the constitution which have passed in review before us. But let us not despair. Two more are coming. Perhaps one of these may reveal the mystery which we are so desirous to unravel. If not, we shall be left in irretrievable perplexity. Why, in that case, the General Convention of our Apostolic Church (which, by a wave of the hand, swept

*The Constitution of the United States is, if I mistake not, a grant of powers. The Constitutions of the several States are restrictions of power. This is a distinction to be carefully noted.

old Virginia into complete annihilation the other day) will have no credentials whatever to exhibit. It will, in truth, have no more real authority than the Pan-Presbyterian Assembly which met recently in London, or the Evangelical Alliance which convened two years since in the city of New York. That will never do. We must try hard to see, and make all concerned see, otherwise; that is, if we can honestly do it. Turn we, then, to the last two articles of this indefinite and (if the accepted theory be correct) exceedingly unsatisfactory Constitution. That is our final hope. If we do not find now what we have been looking for so earnestly, we shall be compelled, however reluctantly, to conclude that it cannot be found at all.

9th. With trembling hand, then, and a deep sense of the importance of the issue, we take up for examination the ninth article. It is now before us. Alas! our hopes of finding here something definite on the subject of our inquiry are dashed at once! The first glance reveals to us the embarrassing fact that these venerable men, when they had reached that point in their proceedings, considered their work of constitution-making accomplished; so that all that then remained for them to do was to show how the organization which they supposed they had constructed could be altered or amended. If time permitted, we might profitably look for a moment at the manner in which this is to be done. I will not stop to point out the difference between the mode of alteration here prescribed and that required for the Constitution of the United States. If fairly put, the contrast might become inconveniently suggestive. Be that as it may, it is certain that this ninth article does not contain a syllable to relieve the perplexity by which we are still embarrassed. We are just as ignorant as to what powers have been conferred upon the General Convention as we were when we began.

10th. We now approach the tenth and closing article of this Magna Charta of our Federal Church. If we fail here, our last hope of being able (through this document) to comprehend the

government under which we live will have been swept away. The venerable fathers to whom was committed this important work of making (as far as desirable) one federal out of thirteen diocesan churches, seemed to have thought that they had now done all that could be ventured upon, consistently with sound principle and the instructions given them from those by whom they were commissioned. Having finished their work at home, they concluded by looking abroad, in the charity of the Gospel, and making provision for consecrating "bishops for foreign countries," and thus extending to other lands the blessings of a regulated Protestant Episcopacy, which, it may be, they thought they had just been providing for our own. And this is all; absolutely all! Upon this slender foundation has been reared (deliberately, and in the sight of all men) a system of canon law as stupendous, and when our rulers have the conscience to enforce it as oppressive, as any known to history. Indeed, it is questionable whether there ever was such a rubric-ridden and desperately *canon-aded* set of mortals on the face of the whole earth as the Episcopalians of this country have allowed themselves to become. And all this under authority supposed to be derived from the modest, unpretending, and harmless-looking little document of a dozen paragraphs which we have endeavored to examine!

Of late, an Episcopal clergyman can hardly take a single step in any direction that he does not find a canon of the General Convention pointed directly at him. Some of them, indeed, are what in the war of the Revolution they called "Quaker guns," and were probably never intended to be anything else. Others have been found, on trial, like Chinese ordnance, which is said to be more dangerous to the gunners than to the enemy; but, after making these deductions, there remains a system of canon law that some of our wisest men of all parties consider needlessly oppressive.*

* The worst of such a system is, that it enables a dominant majority to teach indirectly, by canon, doctrinal opinions which the articles and homilies ignore or reject.

And now, my dear sir, you will tell me, perhaps, that the hypothesis which, in the light of this examination, I submit for your consideration—viz., that the General Convention of 1789 could not really have intended to organize such a government as has been suffered to grow up amongst us, but only a confederate Legislature, whose action shall be always subject, in the last resort, to the reserved authority of each diocese—is subversive of all our preconceived and popular notions of the federal power in the Church. While admitting that this may be so, I still contend that that venerable assembly had neither the authority nor the intention to do the work which has been ascribed to them; and then, pointing to the brief, and, in that case, very inadequate document which was the product of their deliberations, I insist that, even if they had both the authority and the intention, they, as a matter of fact, *have not done it*. It appears to me, that no man capable of forming an opinion on such a subject will carefully examine the instrument which we have just reviewed and say that they have.

You will say, perhaps, that it is a marvelous thing that Episcopalians should have lived for almost a century under the government of that General Convention, and then find, on examining the constitutional enactments which called it into being, and from which its powers are derived, that they confer no such authority as has been supposed! I confess that I am as much surprised at what seems to me to be the unavoidable result of this examination as you possibly can be. But there is the document. (Appendix A.) I have appended it, that all who care to do so may examine for themselves. I wish you would try your hand upon it. Hold it up to the light. Look at it on every side, consider it in all its connections, and then tell me, if you can, distinctly, what powers it confers upon the General Convention, which its first article calls into being. If my exegesis is false, point out the fallacy, and no one will be more thankful to you than myself.

The word “constitution” must be used in a very large sense, to make it comprehend the document which we have been examin-

ing. That word, indeed, may be used to designate the basis of any social organization, whether it be a government, an alliance, a league for specific purposes, or any other form of association.* For myself, I can make nothing more of that which we have examined than, at best, a loose compact of alliance between a number of independent church sovereignties, each of which manifests its determination to preserve its independence, by reserving to itself exclusively the right both of interpreting and enforcing their compact with each other.

I predict that, if this little document shall ever be brought before a Virginia court (if it be one on whose shoulders a single fold of the mantle of John Marshall has descended), it will be found not to have legal force enough about it to ruffle a feather in the cap of a sovereign diocese.

Oh, ye invisible powers which have ruled our primitive diocesan Episcopacy with so high a hand, where are ye hidden? In that unpretending little "Constitution" in which ye have been supposed to lie in ambush? No, not there, or we should surely have ferreted you out. Where, then? *In nubibus?*

That instrument may be, in some respects, likened to the old "Articles of Confederation," by which the States were governed until about the time of its adoption; but to the Federal Constitution, by which those Articles were superseded, it does not bear the faintest resemblance. That "more perfect union," which the one is supposed to have formed for the State, was not created by the other for the Church. Nor was it intended to be, as our whole constitutional history, interpreted by the then state of public feeling, will show abundantly. And yet (strange to say) the document which we have examined, in itself so much feebler even than those old "Articles of Confederation," with which its framers

* *Constitution, in government*, is the fundamental law of the State, containing the principles on which the government is founded, and regulating the division of the sovereign powers, directing to what persons each of these powers is to be confided, and the manner it is to be exercised.—*Bouvier*.

were familiar, has been used to create a government for the Church far stronger than the most extravagant interpretation of the Federal Constitution (which went into operation only a few weeks before) has *as yet* been able to bring to bear upon the nation.*

I consider this one of the most remarkable facts in modern history. It illustrates the intense interest with which men watch over their political, and the blind indifference with which they sometimes regard their ecclesiastical institutions; not knowing or not remembering that the philosophy of government is the same in all departments of human life, and that truth cannot be safe in one, if error be not only tolerated, but defended, by the very same men in the other.

G. W. R.

* A political writer says:—

“But, admitting the necessary perpetuity of the Union, the States are a necessary factor of the Union. It is as true as it ever was, and as important as it is true, that ‘the powers not conferred upon the United States, nor prohibited to the States, are reserved to the States respectively, or to the people.’ It is still true that the legislation that touches our lives at the most points, and affects our dearest interests, is State legislation. The laws affecting the domestic relations, property and its transfer, contracts, internal police, the guardianship over life, personal liberty, reputation, the conservation of morals and decency, and the provision for common education, are enacted and administered by the States.”

LETTER V.

Supplementary Arguments. Episcopacy and Government Inseparable. No Action of the Church without Permission of the State in Maryland and Virginia. A small Western See. Some Hard Facts. Half-statement of the Case. Government ab extra impossible in that Day.

REV. AND DEAR BROTHER:—

The more I reflect upon it, the more I am convinced that the prevalent idea that the Convention of 1789 had either the authority or intention to frame anything that could, in the strict sense, be called a government for the Church, is a mistake. Their powers were too limited for the one, and their action has been too circumscribed for the other. Take the following additional arguments on the subject:—The fourth article of the Constitution makes it part of our organic law that Episcopacy, with us, shall not transcend the limits of the diocese. But surely, in a Church which calls itself Episcopal, government and Episcopacy, although not identical, must be, nevertheless, inseparable; so that if the one be exclusively diocesan, the other must be so likewise.

Again, I argue that there could have been no such intention on the part of the venerable framers of that document, because, 1st, their words do not anywhere express that idea; and, 2d, because their actions (which, we are told, speak louder than words) express just the contrary. I have already, in this connection, adverted to the fact that judicial and executive faculties are essential to all government, and inseparable from it. But since these have been carefully restricted to the diocese, I conclude that government, in the full sense of that word, has been, also. Nothing but a simple *ecclesiastical union* has, in reality, been accomplished. Such union is a very different thing from govern-

ment. It may be based upon agreement in opinion, or upon uniformity in worship. It may rely for its cohesive power upon doctrine* rather than discipline; upon the force of truth, not upon canonical compulsion. This, as I have elsewhere said, is the unifying principle by which the largest and most influential denomination in New England has been long bound together; and a very strong one it has proved to be in their case. It will be found, I think, that their work as a missionary Church, and, indeed, in any field of Christian enterprise, bears very favorable comparison with others, if, in some respects, it does not lead them all. But if this plan of union can bring into efficient combination so many separated and scattered congregations, the framers of this document, and those by whom they were appointed, may well have considered it sufficient to connect (as far as desirable) a small number of sovereign and independent dioceses, which were intensely jealous of their rights, and which, by retaining two out of the three co-ordinate departments of authority, showed very plainly that they then intended to do their own governing.

Another thought in this connection will not be out of place here. There was a fact (already passingly referred to) in the condition of the Church at that day, both in Maryland and Virginia, which is entitled to careful consideration. It sustained such relations to the State that it would not have ventured to enter into any arrangement which could at all compromise its ecclesiastical independence without the consent of the State authorities. Indeed, this fact was made very prominent in the transactions of that time.† Now, suppose the State authorities had been consulted, and the fact (if it could possibly have been a fact) plainly and honestly avowed that the intention was to erect outside of Virginia a great federal, or, as it would then have been considered, foreign power, and taking all practical control over religious affairs in that State out of the hands of Virginians them-

* The Thirty-nine Articles were our only bond from 1776 to 1789.

† Hawks on the Constitution, pages 6, 7.

selves, to confer it upon such extra-diocesan authority! What favor would such a proposal have been likely to meet with in the General Assembly of that sturdy, and just then highly excited, old commonwealth? It would have been treated as an enthusiastic young cleric is reported to have said that the petition of Virginia to the late General Convention ought to have been, viz., “kicked out of the house;” and its mover might have considered himself fortunate, in those rough and revolutionary times, if he himself had escaped a similar fate. But you understand very well, my friend, that this would not have been so much as a half-statement of the case, as it now exists. You know that legislation in the dioceses has become a merely nominal affair, and that the federal power has so expanded itself of late that it now embraces some fifty dioceses; and, indeed, if the recent rate of increase shall continue, in fifteen or twenty years there will be a hundred of them, or more. Now, according to the theory that the framers of this Constitution created, not a federal union merely, but a federal government, then the Church of Virginia, notwithstanding her then relations to the State, so completely parted with her divinely-delegated and, as some think, inalienable right of self-government as to have reserved *only one-fiftieth, and presently one-hundredth part of it*, and that liable at any time to be extinguished by the vote of a majority!

But if you will take one step further in this direction, you cannot fail to discover that even this would be an extremely meagre presentation of the case as it now is. It is an important fact, which you may not have thought of in this connection, that the smallest of the new dioceses in the distant West has absolutely as much control over the “doctrine, discipline, and worship” of Virginia as she has herself! Nay, strange as it may seem, some of these have (in proportion to population) *twenty times as much!* Now, is not this perfectly monstrous? *Could* it have been originally intended? It would be strange enough to give to each one of the other dioceses a control over her spiritual affairs equal to

her own; but knowingly to enter into an arrangement which would give to some of the feeblest among them (generally the feeblest intellectually and morally, as well as numerically) *vastly more* than she retains, would, it seems to me, imply a sort of ecclesiastical insanity.

My dear brother, let us look for a moment longer, if you please, at the hard facts of this remarkable case. Yonder, in the far West, is a little newly-created Episcopal sec, of six or seven clergymen, and as many feeble congregations. They find a useful and active young missionary (more active than intellectual, perhaps) of their own number, whom they make their bishop, and in so doing place him on terms of entire equality by the side of the ablest and most venerable member of the American Episcopate; and now, having put one of their number in the Upper House, they send four others (with lay delegates) to the Lower, leaving two, or perhaps only one, to take care of things at home. Consider, now; who exert the greater influence over the religious character and interests of Virginia, these six Western clergymen, or any half-dozen of her own best men at home? Nay, if you examine closely, you will find that little Western diocese, hundreds of miles away, not a member of which, perhaps, is known even by name to the people of your State, actually exerts a *far greater* (proportionate) control over the spiritual interests of that State than Virginia herself, with her three bishops, her noble list of clergy, and her many distinguished laymen, is, under the present unreasonable arrangement, allowed to do! Can reasonable men be made to believe that such a state of things was ever contemplated? No! If any set of men ever contrived a cunning scheme to cheat themselves out of their divine right of self-government, it has been done in this case. Surely, a false construction *must* have been put upon the action of our venerable fathers. We have mistaken their meaning. All the facts show that they intended to create a convenient and amicable league, but no government. That, originally, belonged to each independent diocesan

Church ; and there is not a particle of evidence (but much to the contrary) that any one of them intended to barter away its birthright for such a mess of pottage as that which has been given in return. I confess that if I thought the dominant hypothesis correct, believing as I do in the right of secession in the Church as strongly as some of our wisest statesmen have felt constrained (since the adoption of the Federal Constitution) to believe in the wrong of secession in the State, I would hesitate to say a word that could discourage any calm, deliberate, and well-planned diocesan exodus, *except on the ground which is presented in these communications*. If I mistake not, our best safeguard against secession will be found in a return to first principles, and the right of ecclesiastical readjustment. This is one reason why I ask the thoughtful consideration of Virginia, at this time, for the subject here presented.

If, after such a thorough examination of this subject as the constitutional lawyers of that State (supposing that the sons bear some resemblance to their fathers) are eminently qualified to give, it shall be judicially decided in the diocesan courts there that the principles which underlie these communications are substantially correct, then the unavoidable result will be a conviction that the federal relations of the Church need to be re-examined and reconstructed. They no longer stand upon the ground which was originally assigned to them by the Constitution out of which they grew. That modest and unassuming document of ten brief articles has been strangely misinterpreted ; and surely it is high time for Virginia to resume the charge of her own people, whose spiritual interests and training she has so largely and so long abandoned to the care of strangers, and a majority of these, perhaps, entirely out of sympathy with her on all questions, doctrinal, ecclesiastical or social. This will be a consummation devoutly to be wished. If you, my friend, and those associated with you, shall be the instruments of bringing about such a result, it would be no disparagement to the past of your own history to believe that you will have then done more for the

cause you most love than in all your life before! You may well be content, after that, to sing the "Nunc Dimittis," and go rejoicing to your rest; for you will have been the honored instrument of accomplishing more, in behalf of the Church and the Gospel of which you are a minister, than has fallen to the lot of any man of your generation. Such, at least, is my opinion, and I think I have had some opportunity of judging.*

You, perhaps, deem this an extravagant estimate; but consider what will then have been effected. You will have stricken off at a blow the fetters by which the free-born and Scriptural diocesan Episcopacy of the Virginia Church has so long been manacled, in consequence of her abnormal submission to extra-diocesan control. The system of Gospel truth of which Moore, and Meade, and Johns, with Wilmer, Empie, Sparrow, and their associates were the representatives, being now emancipated from its thralldom to a federal organization (which careful examination will show to be both unepiscopal and unprotestant), may develop itself freely in the bosom of a primitive and independent, though confederated diocese. It is one which will hold sacred its divine autonomy, as every church worthy of the name must do; for in giving up that, it dies.

Some one may say, perhaps, that there are no present indications that our Church is in danger of being visited with any calamity of that kind. It should not be forgotten, however, that a Church, like any private member of it, may be "dead while she liveth." The outer organization may remain intact while the principles which it was intended to conserve are fast dying out. What are those principles in our Church? She has made them conspicuous in the very name she has chosen for herself, "Protestant Episcopal." But if it be true that *Protestant*

*The brother beloved to whom this was intended to be addressed did not live to realize the anticipations here expressed; but his broad, statesmanlike views, and the wise and cautious, yet bold action, which, when the times called for it, he always advocated, are well remembered; and in that remembrance "he, being dead, yet speaketh" to those who now fill the place which he so lately occupied.

Episcopacy is essentially diocesan, and if it be also true that the Federal Convention by which we are ruled has practically nothing Episcopal about it, but is simply Presbyterian in its structure, then surely that interest cannot be with us in a very safe condition. If I should be asked, is our Protestantism, too, in danger? I shall refer to the swarms of Ritualists, Sacramentarians, and Sacerdotalists (not to their words, but to their actions and growing influence), for the answer.

If this view of the case shall have made an impression, and any inquire what is the remedy, I reply, not secession (except as a last resort*), not revolution, but wise *constitutional readjustment*. If, again, I am asked, has Virginia a right to do this? I refer to the powers and responsibilities of a sovereign Church, which I have discussed; to the preliminary history that led to our present organization, which I have reviewed; and to that brief and powerless document called a Constitution, which I have examined; and then, pointing to the relations that bind her to her own children, whose interests have been hitherto (under an unhappy mistake, I think) committed to strangers, as well as that which connects her, as the oldest member of our confederacy, with the other dioceses, I shall conclude with answering your question by asking you another: Has Virginia a right *not* to do it?

It may be that some would like me to state in a single sentence the object that I have had in view in writing these communications. If any suppose that my main purpose has been to commit those for whom they were intended to a particular course of action in the premises, he is mistaken. It is easy enough, indeed, to perceive my own convictions and tendencies of mind. I intended that these should appear upon the surface of what I have written. I have stated, truly, that my chief desire is to

* I understand the Supreme Court of Pennsylvania to have sustained the "Reformed Presbytery" of Philadelphia, in its recent conflict with the "General Synod of the Reformed Presbyterian Church in North America;" the inferior body having "*suspended its relations*" to the superior, *without withdrawing from the Church*. The case is Steed vs. M'Auley (not yet reported), George H. Stuart being one of the parties in interest.

awaken inquiry in the direction which I have indicated; and I repeat that I rely far less upon what I say myself than upon what I may be so highly favored as to suggest to stronger thinkers and abler men. I can honestly appropriate a declaration of Mr. Gladstone in one of his great anti-Vatican pamphlets, which, by the way, are destined to revolutionize the world by merely awakening inquiry and directing it. He says: "My object has been to produce a temper of greater watchfulness; to distrust that lazy way of thought which acknowledges no danger until it thunders at the doors; to warn my countrymen *against the velvet paw and smooth and soft exterior of a system which is dangerous,*" etc. You have now, dear brother, my thoughts, freely expressed, on matters in which we, in common with our whole Church, are deeply interested. I again desire you to note how far I am from being disposed to dogmatize on a theme of such far-reaching importance; one which has been, as yet, so little discussed, and, I fear, so little understood. What I hope is, that the Diocese of Virginia may be induced to give the subject in charge to some of her best thinkers, with the injunction that they give it a thorough and statesmanlike examination. Where can men to do such work be found, if not in your ancient Church and venerable commonwealth? Upon any decision thus rendered I shall rely with confidence. I doubt not that it will be both instructive and satisfactory. If it should bring out ideas which, while in strict harmony with the principles of the divine economy as laid down in the Scriptures, shall yet have something about their application that is distinctively American, it will only be repeating in one department of inquiry what has already been accomplished by the same memorable agency in another.

If a fair and thorough examination of the Constitution and the laws by the appointed tribunals of the Church (which are, and, I hope, always will be, exclusively diocesan) shall result in affirming the view of Diocesan Episcopacy, in its connections with

Federal Power, which I have presented, then a clear pathway, leading out of our present embarrassments, will lie open before us. Be blind to it who may, the light of heaven is now shining upon that path.

Dr. Hawks says of his able work, from which we have quoted so largely, that, "a pioneer, it may make a road in the wilderness which will not be useless to future travelers." The present writer ventures to think that he, also, has (at least) "struck a trail" in the same "untraveled territory," leading in the same direction, and to a point somewhat in advance of that to which this skillful guide had previously conducted us. He has carefully, though roughly, "blazed" it (as the early Kentuckians used to say) for the benefit, also, of "future travelers." They will not find it free from difficulties, of course; it would be absurd to expect a macadamized turnpike in a wilderness. All experience proves that in ecclesiastical, as in mathematical science, there is no "royal road" to truth. I feel a strong conviction, nevertheless, that, if rightly followed, it will lead us "*out of the woods.*" That is a point, however, which I gladly leave to be decided by the eminent topographical engineers whose province it is to mark out the course of the Virginia Church.

G. W. R.

LETTER VI.

A Source of Confusion. General Convention; Two Bodies of that Name. Many Meanings of the word "Church." If the General Convention "Establishes" a Prayer-book, the Diocesan may Regulate its "Use." "Uses" Differ in Different Churches, at Different Periods. The Virginia Petition. A Whisper Heeded, and Answered. A Drummond Light. Independent Judiciary.

REV. AND DEAR BROTHER:—

I have frequently had occasion to observe the injurious influence which a confused and inexact use of language sometimes exerts upon the opinions and institutions of men. We have an example of this, I think, in the early history of our Church, and one which bears upon this discussion. It seems to me that two very different bodies are spoken of under one name as "the General Convention." They have had from the beginning the same title, indeed, and were at first composed for the most part of the same individuals. But, nevertheless, they were really two bodies, and not one, and should never be confounded with each other. I call them two, because the sources of their authority were different, and the work they were appointed to do entirely distinct. The one derived its existence and received its fundamental law from commissions given by the dioceses respectively; the other, from a Constitution which was the result of those commissions. The former was appointed for a specific purpose, and as soon as that purpose was accomplished it expired by its own limitations. The latter was called into existence to do a work which, in its nature progressive, was intended to endure. The one created the federal Constitution of the Church; the other was created by it. There is, then, a wide distinction between them, which should have been

carefully noted. The not distinguishing them from each other has given rise to complications and embarrassments which will continue until the mistake shall be understood. All experience proves that there is no mystification more profound than that with which very sensible people embarrass themselves by unconsciously using the same word with different meanings.

We have an instance of the same kind in the indefinite and inexact use of that familiar word, "church." The evils from this source to our communion, and to Christendom at large, cannot be estimated. One of the difficulties which stand in the way of the ready acceptance of the simple and obvious theory of our federal relations, which these communications are intended to introduce to the notice of the friends of Diocesan Episcopacy, may be expected from this quarter. We can, then, advantageously, I think, spend a few moments in considering it.

Sometimes, for instance, "the church" means the congregation with which the speaker worships. Sometimes, by a very allowable metonymy, it is the building in which that congregation is accustomed to assemble. Sometimes it is the entire Christianity of a nation. Some denote by it Christendom at large, while with others it means only that part of Christendom which is Episcopal; and with others still, the word is used to signify all God's people on earth and in heaven. Sometimes it means a parish, sometimes a diocese, and sometimes the Church in the United States. But it is obvious that, as applied to these different communities, it must express very different ideas, and exposes one very much to become the victim of that linguistic necromancy which uses words to conjure with, rather than to convey thought, or, as Talleyrand has it, to conceal, not to communicate ideas. Adepts in this dangerous art can perform feats that surpass anything that has been achieved by Wyman or Signor Blitz of our day, or the famed Cagliostro of a former generation; for, unlike these celebrated artists, and with skill to which they could make no pretensions, the ecclesiastical prestidigitateur not only bewilders others, but

sometimes deceives himself.* This source of error is specially to be guarded against; and with us Church controversies can often be best settled, or entirely superseded, by mere definitions.

If you ask me for an illustration, I might offer one with which you were personally connected. We speak of "the Church in Virginia," and we do well; for he who understands the organic law of Episcopacy will at once recognize that to be the highest use of the word in the communion to which we belong. The diocese is the original and complete expression of the Episcopal idea as we get it from the Scriptures. The "apostles, elders, and brethren" are all there; nothing more is needed to make a Church in its completeness. On the contrary, extra-diocesan Episcopacy is forbidden by our canons and Constitution, and I think by the New Testament also. Yet, when Virginia gave to you, and those with whom you were associated, the commission which brought her as a suppliant to the feet of the late General Convention, she approached that venerable body as the representative of a Church! but of what kind? not a sister Church, for Virginia is there a petitioner on bended knee; not a mother Church, for the General Convention is, by the acknowledgment of all, the offspring, not the parent of the dioceses; and the Church in Virginia is as old as the nation. But it has certainly proved itself to be a *governing* Church, and one which, as their recent experience must have taught our Virginia friends, is capable of ruling with a rod of iron. It will be seen at a glance that this word of many meanings is there used in a sense different from that in which it is applied to the diocesan organization which you were appointed to represent.

Look, my dear sir, I pray you, at the difference between these

* Sir William Hamilton says: "The vocabulary of every language is necessarily finite; it is necessarily disproportioned to the multiplicity, not to say infinity of thought." And again: "Either the words of a language must each designate only a single notion, a single fasciculus of thought—the multitude of notions not designated being allowed to perish—or the words of a language must each be employed to designate a plurality of concepts; accordingly, all languages by the same word express a multitude of thoughts more or less differing with each other" (Logic, p. 436).

venerable bodies. The one, you perceive, wears a mitre upon its brow, which sparkles with a light that some churchmen think comes down direct from heaven; but the other, what is it? It bears no such badge of office upon its head; in fact, if the truth must be told, it has no head at all. There are "many members" indeed, and they are in "one body;" but, nevertheless, upon Episcopal principles, it is a headless trunk! To create such a nondescript acephalous anomaly as that, and give it practically unlimited *legislative* power (and no other) over forty or fifty of God's churches that have Scriptural bishops presiding over them, and to call that Episcopacy is simply a misnomer. Surely such a thing never could have been intended by our venerable fathers. I am no High-Churchman (far from it); but I am an Episcopalian, nevertheless, and I must say that there is not Episcopacy enough for me there. Protestant Episcopacy is, by the necessity of its very being, diocesan. And well that it is so. All history proves that extra-diocesan Episcopacy, find it where you will, is Popery in disguise. Protestant and Romish Episcopacy part company just there, on the borders of the diocese. That is the frontier-line between them. Am I not right, then, when I say that there is no Episcopacy in the General Convention? Show me the man who dares to perform an Episcopal act in either House (except by permission), and I will show you a usurper who ought to be instantly unfrocked. The iron hand should at once be laid upon him; for he has violated the organic law of the body of which he is a member. That law is *parity*, universal parity. Parity in the Upper House, parity in the Lower House, parity everywhere. The most venerable bishop (unless specially authorized) dare do nothing, as a member of the one, which the humblest layman may not, as a member of the other.

Nay, more than that; what is done in the one House is utterly without force until precisely the same thing has been done in the other, and precisely in the same way. Is this not so? And do you call that Episcopacy? You are too sound a Churchman to

admit any such thing. It is the very reverse. It is "imparity," claimed to be divine, superseded by "parity" pronounced to be of human origin. Nay, more than that; it is Episcopacy unmindful of her traditions, and forgetting her own distinctive principle, actually (shall I say it) enthroning Presbyterianism as the maker of her laws, and the mistress of her ecclesiastical domain!

Not only so; we have here a diocese (our ecclesiastical integer, a Church in completeness) doing violence to the primary law of her existence by (according to the accepted theory) abandoning her original right of self-government, and laying all authority at the feet of a huge federal power, which is constantly extending itself; as such always will (either in Church or State), unless carefully restricted to its constitutional limits, by the confederated sovereignties from which it derives its being.

I would now ask your attention for a moment to another subject, which I deem of special interest to Virginia at the present time. You observe that while, according to the eighth article of the Constitution it is assumed that a Prayer-book may be "established" by the General Convention, the "use" of it is to be enforced and regulated by the dioceses. Now, every one acquainted with this subject knows that the different liturgical denominations—the Greeks, the Romans, the Anglicans, the Moravians, the Lutherans, the Dutch Reformed, and, to some extent, the Methodists and Presbyterians (both John Knox and John Wesley published a liturgy)—all have their different "*uses*." Indeed, these often differ in the different dioceses, and in parishes of the same Church, and notably in different historical periods. Ever since Archbishop Laud's time, the Anglican churches have accustomed themselves to use at morning prayer three different services welded into one; while for one hundred and fifty years before, these services were used separately; and yet, during all that time, the same Prayer-book was "established."

Some Churchmen would have a stiff, cast-iron uniformity, in which every sentence, and every posture shall be prescribed, and

the *ipsisima verba* be bound upon the consciences of the worshippers to the last letter ; so that, as one of our bishops sarcastically said, it might be safer, under such a regime, for the minister to break a leg than break a rubric. Others go to the opposite extreme, and would make the services optional, to be used as caprice may dictate or convenience permit ; while a third class, quite as churchly and liturgical in their associations as the first, and more so than the second, regarding the rubrics as directory rather than mandatory, would place the rubric of common sense at the head of the list, and conduct the service accordingly. There are some who adopt both the strict and the free "use," only applying them to different parts of the same Prayer-book, as taste or doctrinal tendencies, or the policy of parties, may incline. Virginia, for example, was refused permission by the General Convention to allow some of her clergy to omit one or two expressions in the Baptismal Office (excuse me for referring to it so often ; that outrage haunts me), and yet she may permit them to make the freest possible use of the Visitation and some other offices, or even not use them at all ! But whoever will examine, shall find that the rubrics are equally mandatory in them all.

It is important, then, to note, that while the dioceses are understood to have here conferred upon the General Convention authority to "establish" ("ratify" is the word which defines their power) a Prayer-book, the right to regulate its "use," which is a very different thing, still remains with them. Indeed, their reserving both the judicial and executive functions implies as much. A diocesan judiciary, therefore, may interpret the rubrics as directory, and not mandatory, or the diocesan legislature may allow the literal "use" to the Baptismal, and apply the iron-clad one to the Visitation Office, if they please. I find, there, no constitutional difficulty to prevent such action.

If these views be correct (and they are held subject to the judicial authority of the Church), there was no reason why Virginia should not have taken the subject of her recent petition into her

own hands, and settled it for herself. Indeed, it seems to me she is the only party competent to do so under that Constitution. It is true that it says what I have already quoted, and have no disposition to keep out of sight, that where a Prayer-book shall be "established" by the federal power, it shall be "used" in the dioceses; but you perceive at once that everything turns upon the judicial interpretation of these two important words; and you will please to remember that this interpretation must come from Virginia herself. No other can interpret the law for her. That fact at once gives her entire command over the subject. She alone can determine the force that must be given (within her bounds) to that equivocal phrase "established," and the scope that may be allowed to that very flexible expression "used.* If she adopt the liberal, and I think true, interpretation of such language, then all she has to do is to say so (judicially), and the thing is settled.

But you may whisper to me cautiously, perhaps, that there are breakers ahead in that direction; that the General Convention would be very sure to try to establish a Court of Appeals, or get up something in the nature of a declarative statute, fixing the strict construction upon certain words, and making it obligatory everywhere. To a cautious whisper of that kind from you, my friend, I should very confidently reply (*sotto voce*, also), that Virginia might, in that case, if she pleased, have some weighty and significant words to say, while she pointed her finger (judicially) at that very important limitation of all federal power in the Church, presented so clearly in the "fundamental instructions" which were expressly given in some of the dioceses, and implied in all, viz., that: "No powers shall be delegated to a general ecclesiastical government, except such as cannot be *conveniently exercised*," etc., in the dioceses. I have called this "a Drummond light," to guide us on our way; and certainly it shines into the darkest recesses of the subject we are now discussing. All that

* It may be asked whether the other denominations who have a liturgy have not "established" their Prayer-books as really as we have? Do they not "use" them also?

Virginia need do, according to that, is to declare, authoritatively, that the powers referred to can be quite "conveniently exercised" by herself, within her own spiritual jurisdiction; and that she really thinks she understands the temper and needs of her own people better than any ecclesiastical foreigners can do, whether they be of Northern or Southern training and predilections.

And now, I hope, my dear old friend and fellow-laborer, that you and our Virginia friends generally, are prepared to do full justice to one great and commanding fact. It is one which makes them master of the situation, and, I think, is the most beautiful thing about it. It rises, as if by magic, out of the constitutional history of the Church, whenever the facts are fairly spread out before us. It seems to me to present itself as a messenger of peace to our confederate churches, just when it is most needed. It shows that Virginia (as any other diocese) has a constitutional right to take all such matters into her own keeping, if she please. *Her interpretation of the law is the law.* The interpreting power is hers alone; and it is here specially important to remember that she expounds authoritatively (within her own jurisdiction) the greater law, which created and governs the General Convention, as well as the lesser law, by which that Convention governs the Church. If there be any discrepancy between them, she settles it. If, in either, there be claimed any prerogative which she thinks can be "conveniently exercised" by herself, she challenges it (and is bound to do so), as the heritage of those whose rights she is specially appointed to guard, and whose interests it is her distinctive and most sacred duty to protect.

An independent diocesan judiciary is our bulwark and palladium. So long as it is held sacred as a co-ordinate branch of the government, and has intelligence and courage to exercise its powers, we are safe; but the moment it shall be invaded (or put to sleep by opiates, ignorantly or surreptitiously administered), the alarm-bell should be rung; for Protestant freedom and Christian truth are then both in danger.

G. W. R.

LETTER VII.

Recapitulation. A Pleasing Digression. Virginia Statesmanship. Its Characteristics and their Causes. A Question of Principle: Can a Diocese give up its Autonomy? The Statesmen of America Educators of Mankind—Her Churchmen likewise. Church Questions of two Kinds. Problems awaiting Solution. Theories, Congregational, Presbyterian, Episcopalian. The Primary Organisms, how Connected? By what Nexus, Doctrinal or Ecclesiastical? Scripture. Is Government Essential to an Ecclesiastical Confederacy?

MY DEAR BROTHER:—

In opening this discussion, I said that the entire subject would be covered by two questions: one of fact, and the other of principle. First, Did the dioceses, at the time they created our Federal Church, make a transfer of their autonomy? Second, Could they do it?

In the second letter of this series I offered something in the nature of an *a priori* argument, to show that, under the circumstances, such a thing could not have been expected. In the third, I invited your attention to certain documents connected with the preliminary action which led to the establishment of the General Convention, and by which its constitutional status must be determined. In these we could discover no authority from the constituent assemblies for any such wholesale transfer of powers. In the fourth, I went into as careful, and thorough, and, I will add, as fair, an examination of the Constitution itself as I am capable of making. We took it up article by article, and must have come, I think, to the conclusion that we could discover in that brief and unpretending document no such large federal authority as has, in the course of years, been gotten out of it. I confess that I felt like imposing a restraint upon my, perhaps, too free examination, lest it should lead us to an embarrassing result. To tell the truth, I am not quite sure that we found in it

a single clause by which any powers of *government* could be said to have been "expressly" conferred. Whether, in such a case, any can be properly "IMPLIED," is a question which the constitutional lawyers of the Virginia Church will settle for themselves. I am glad to feel assured that to them it may be confidently remitted. The work at which I aim is only to bring the subject fairly before those who are wiser than myself. It is true that my own personal impressions are thrown out freely as my hand passes over the paper in which this important theme has been presented; but I desire again to say, that to any authoritative decision of these questions which may be arrived at in that quarter, I shall bow with the reverence which becomes a citizen and a Churchman.

And here I feel tempted to ask permission to indulge in a brief digression. It is one which will lead the mind to wander, for a moment, amid pleasant recollections of the past; which, however, afford bright anticipations of the future. There is no trait which I have admired more in the representative men of your venerable commonwealth than their intelligent veneration for the authority of law, except *one*. If I have read American history aright, the men of the "Old Dominion" have, in all generations, been distinguished by an intrepid determination to submit to nothing that is not law, associated with a quick perception of all shams; and both watchfulness and courage in resisting whatever calls itself law when it is not. Virginia statesmen have never been known to quail when called upon to interrogate questionable power and examine its credentials. This may be attributed to the auspicious training of her public men; and some think this, again, is due, at least in part, to a fact in her condition which Mr. Jefferson is said to have noted without regret. There are no large cities in Virginia, and her people have never been, except to a limited extent, either manufacturing or commercial. Her leading minds were almost all associated with the calm pursuits of agriculture. Her great men were not educated "on Change," or turned out to order amid the roar of unlimited

machinery. They were prepared for their life-work by the studious leisure of such abodes as that which inspired the best articles in "The Federalist," and the best speeches in the Virginia Constitutional Convention. The higher statesmanship was not looked for, of necessity, in Richmond, or Petersburg, or Alexandria, but amid the classic seclusion and genial hospitality of the rural homes for which Virginia has always been distinguished. This imparted a calmness and depth to political philosophy in that State which it too often wanted elsewhere, and which, of old, commanded for it the homage of the country and the admiration of the world.

It will be a happy day when the quiet tastes and habits of the "olden time" shall come back to us again. But this will not be until agriculture, rescued from its thralldom to trade and manufactures, shall vindicate its true position, and exert its rightful influence both in the nation and the Church. The city may be a good school in which to sharpen the wits for the keen intellectual conflicts of professional or party strife; but the country is more favorable to calmer wisdom and profounder thought. No man can be expected to discharge well the duties of society who does not pass much of his time in solitude; and in troublous periods the nation's best help will always come from the abodes of such men as the sage of Ashland and the philosopher of Marshfield; or, still more notably, from such refined seclusion as might have been found a few years ago at Montpelier, Monticello, and Mount Vernon. One thing is certainly true, both in ecclesiastical and political affairs: men so trained are, in tranquil times, specially conservative; but when a crisis comes, they sometimes look beneath the surface, which baffles ordinary minds, and adapt themselves to the new conditions, by becoming, first, cautiously radical, and then, if need be, bravely revolutionary. But I return from this pleasant deviation to the direct line of thought which lies before us.

The second leading topic of this investigation now invites at-

tention for a moment. I called it a question of principle, in contradistinction from one of fact, because it involves duty as well as truth, and appeals to the conscience not less than to the understanding. My views respecting it have already been implied in much that I have written. This part of the discussion may, therefore, be quickly dispatched. *Can a Church of God, complete in its equipments, divest itself of its original right of self-government?* I unhesitatingly answer, No;* and, if I were able, I would so emphasize that monosyllable that it should be heard in every parish, congregation, and rural rectory, between the Ohio and the Chesapeake.

A Church cannot do this, first, because, in so doing, it loses its own existence. If such a thing were practicable, it would cease to be a Church; just as a nation ceases to be a nation, and becomes a province, the moment it parts with its sovereignty and submits to the control of another nation. Second, no Church has a right to surrender its vital functions, for the same reason that no man has a right to commit suicide. It is a crime against nature, and before God, and if done knowingly is one of the deepest dye. Third, a corporate person, like an individual, cannot violate a fundamental law of its constitution without suffering the penalty of that law. There are capital offences in all departments of God's universe, for the punishment of which the death penalty has been wisely provided, and this is one of them. Though sometimes tardy, the execution of that judicial sentence is always sure. Fourth, it is not more clearly a maxim of law than of reason that "delegated powers cannot be delegated." If God made the diocese his model of a Church (diocesan Episcopacy is based upon that idea), and confided to it all the powers of government, what *right* has such diocese to shift the weight of re-

* If the diocese be God's form of a Church, can one or any number of dioceses so violate the law of their organic being as to transfer their legislation to something beyond themselves, whether it be to a convocation or a parliament, as in England, or to a General Convention, as in the United States? May not the Church in this way unchurch herself?

—Anon.

sponsibility from the shoulders upon which God placed it, to some other organization unknown to the Scriptures? a Church (called so by courtesy) federal, not organic, leaving the original organism, which we claim to be divine, at the mercy of a man-made power, which, if not watched, will be sure to draw the life-blood out of it.*

I have already adverted with regret to the fact that, such has been the loose flow of popular speech on subjects of this kind, the important word Church has been made to do duty in many different ways. I have noted, also, that in one of these it has a fullness of meaning, and a clear significance, which is found in no other. It is that in which it denotes the norm, the unit, the integer (by all these terms I have endeavored to express the important thought) of the Church; that in which all the ecclesiastical elements were originally combined, and to which supreme power has been divinely given. It is (according to our system) the divinely constituted model of all Church combinations, and the head-spring from which ecclesiastical authority must flow. To say, then, that upon the fidelity with which this primary institute shall be preserved amid the secondary combinations of the Church (and its supremacy recognized), their efficiency, and even safety, must depend, is only to state a corollary from a fact which all Protestant Episcopalians will acknowledge: that it alone is divine, and the rest of merely human fabrication.

It is astonishing how largely indebted the world has already become to the *statesmen* of America, for their investigations and discoveries in that noblest field of philosophical research, the science of government. Such philosophers as Madison, and Hamilton, and Jay, and Marshall, have done more for the happiness of the human race than all the pseudo-“scientists” who ever amused them with learned prattle, or bewildered them by shallow specu-

*Look at this matter as you will, there is no escaping the fact that the Episcopal Church in this country has been every year becoming less and less Episcopal (in the primitive sense of that word), by gradually taking all power from the diocese, where God originally placed it, and allowing it to be absorbed by something outside of and above the diocese.—*Letters to a Southern Bishop*.

lations. Our statesmen, beginning with the very alphabet of freedom, early taught that men are everywhere, by nature, free and equal, and that the only basis of legitimate government is some form of the social compact. This idea was born with the nation ; and it has been asserted that the first written constitution known to history was framed in the cabin of the "Mayflower."*

The Republic, a government of checks and balances, holding in careful equipoise the elementary principle of each of the other forms, is also, as we have it, an American conception. The world never saw any such until we showed it to them. The entire and yet harmonious separation of Church and State is another grand idea for which mankind are indebted to America. Strange as it may seem, the simple and now familiar principle of religious toleration is actually a gift of America (and an invaluable one) to the nations of the earth. She alone had both the disposition and the power to make it part of our modern civilization. It has been claimed that the Roman Catholics of Maryland were the first exponents of the great idea. But this Mr. Gladstone, in his late pamphlets, satisfactorily refutes, on the authority of our own historians.

The truth is, that Roger Williams, of Rhode Island, himself a fugitive from Massachusetts, with (Mr. Gladstone says) "Cope-land, a learned Episcopal divine," gave birth and practical vitality to the then new theory of Christian toleration. Again, the co-existence and well-adjusted combination of two distinct sovereignties (State and National), each independent in its own sphere, and both wisely jealous of their rights, is another of the marvels to

* An assertion which I gladly accept until it shall be discovered (as I think it will) that those whose descendants were prominent in our constitutional history of later times were also foremost in this, as in other respects, at that early day. It would seem not at all improbable that some similar document was adopted by the earlier "Pilgrim Fathers." When that too much neglected portion of our country's annals which is connected with the settlement at Jamestown shall be more fully explored, it may reveal the fact that not dissimilar foundations were laid for "the Old Virginia Colony."

which America is inviting the thoughtful attention of mankind.* These are only the first installment of the debt which the United States is paying, as the price and product of her free institutions, to a world which she is commissioned to enlighten. Other lights will shine around her path as she proceeds, the pioneer of the nations, in law, liberty, and social progress.

But, while her statesmen are doing all this so wisely, it is the opinion of some that the Churchmen, also, of America (using that term in its broadest and truest sense) are destined to vindicate their claim to instruct the nations. As in political science, the American nation, so in the science ecclesiastical, the American Church, will, in time, authenticate her mission as the chief educator of mankind. She will teach them to discriminate between the few simple and great things which are divine, and the many things (often neither simple nor great) that are of merely human origin, and which too often are permitted to usurp their place.

Since the above was written I heard a gentleman of intelligence say, in conversation, that "the Church question" is the most important now before the world. The remark did not impress me at the time, but it has returned with much force. What does my friend (thought I) mean by that? Are there not a dozen "Church questions" now before our ecclesiastical philosophers which must tax their thinking qualities to the utmost, and test the metal they are made of? In fact, several of them constitute the great unsolved problems of the age; perhaps I might say, the ages; and it is quite probable that some will have to be left, for any adequate solution, to the logic of events. Those events, however, may quickly come to pass. Men live fast now, and it is startling to note how the ideas of a whole community, on the most important subjects, will sometimes be changed in a few

* Dr. Hawks says: "This double government, we have reason to believe, is but little understood out of our own country. The necessity is not apparent for two legislative bodies, to those who live in kingdoms where but one law-making power is known; nor can such well comprehend how conflicting legislation is to be avoided. We, who see its effects in practice, are not at a loss to understand and value the theory."

weeks, or perhaps days. I know not how to account for it; but it is true that revolutions in public sentiment now sometimes occur, as if by inspiration, both in Church and State, which formerly would have required years, if not centuries, to mature.

These "Church questions" are of two kinds. Those which grow out of the external, and those which spring from the internal relations of the Church. Of the former, the most important, and that which exerts the greatest influence over the affairs of men, just now, perhaps, is this: "*What relation shall the Church bear to the State?*" On that interesting topic four theories are clamorous for a hearing, and the noise of their contentions is everywhere sounding among the nations. The first is the Romish theory. It says: "*The Church should govern the State,*" because the spiritual are of much greater importance than the secular interests of men. The second is the Anglican, that "*the State must govern the Church.*" Hence the sovereign is head of the Church, both in England and Scotland; while Parliament makes its laws, and provides for its maintenance. The third is the American, which says: "They are different institutions, and *must be kept distinct.*" The fourth is the atheistic, which, in its most recent manifestations, proclaims that: "There ought to be no Church, and *the State had better abate it as a nuisance.*"

With the first hoary-headed, and yet herculean error, Gladstone, in England, and Bismarck, in Germany, have lately grappled. This Titanic conflict has already moved, as by an earthquake, a continent of kingdoms. The two men are, indeed, differently equipped. The one brandishes a dangerous-looking sword; but the other wields a still mightier weapon. It is that which Luther prefigured when, with more than "the inspiration," and perhaps some of "the contortions of the sibyl," he, in truly prophetic madness, threw his *inkstand* at the Evil One. That action was symbolical. Of these four theories, the first (until the Vatican Council revived it) was supposed to have been obsolete. The second is rapidly becoming so. The fourth is seldom heard of ex-

cept among an obscure crowd of candidates for poor-house and prison, led by a few dreamy fanatics, whose ravings might seem to indicate that they have recently escaped from Bedlam, and need to be sent back to it again. The third alone embodies the true idea. It is purely American, and is destined, in due time, to take possession of the civilized world.*

But questions connected with the external relations of the Church do not press so heavily upon Episcopalians just now as some which, growing out of her internal structure and connections, will soon be found demanding solution at her hands. These, also, are of two kinds: those in which we have an interest in common with other Christian bodies; and those which grow out of the organic arrangements of our own Church, quickened into activity, as they have been, by the experience through which we have recently been passing.

The most prominent of the former class is that by force of which Christendom has been resolved into the different ecclesiastical organizations which now divide it. It may be stated thus: *What is the true Church unit?* What is the formative idea of a Church, that to which everything else must be subordinated, the first Scriptural manifestation of developed Church life? What, in other words, is that primitive organism to which all else must sustain the relation of a subordinate (though it be a wise) expediency, and is, as I have elsewhere expressed it, a human addition to something supposed to be divine?

One class of Christians answer this important question by pointing to the local Congregation, and saying, "There is the Church unit;" and from this fact they take their name, *Congregationalists*. Another class, adopting a broader generalization, group together all the congregations within certain geographical boundaries, and placing them under the government of a Presbytery, tell

* But, be it remembered, the separation of Church and State (according to the true American idea) does not imply that God, the Sovereign of both, can be safely excluded from the Constitution of either.

us, with equal confidence, "There is the Church unit of which you are in search;" and from this fact they take their name, *Presbyterians*. A third class come forward with equal confidence, and, quoting history and "the Fathers" (not without some reference to the Bible), proclaim that "it is evident to all men diligently reading Holy Scripture and ancient authors," etc., and then placing a bishop at the head of that Presbytery, say, "That is the true Church unit." It is this insisting upon some form of Episcopal supervision that gives them their name, *Episcopalians*.

Another question of this same class, which has never yet been answered satisfactorily, and must, therefore, be catalogued among the unsolved problems, is this: "*How should these primary organisms be connected with each other?*" The Congregation with other congregations, the Presbytery with other presbyteries, the Diocese with other dioceses? What is the nature of that *unifying* principle by the force of which they become one confederate Church? Is there, indeed, Scriptural authority for any such external unification of them? Does not the simple acceptance of the fundamental truths of Christianity make them one? Dr. Hawks says: "The real and only bond by which the Episcopal congregations in this country were held together, until 1789, was in the *common recognition* of the Thirty-nine Articles" (p. 7). Indeed, does not that impart a higher unity than any external organization can create? How was this in the Apostolic age? We read in Scripture of the churches in Asia, but do the sacred writers tell us anything about "the Church of Asia"? We read of several churches in Macedonia, but are we told anything about a "Church of Macedonia"?*

* On this subject Bishop White throws out a few hints in his "Memoirs of the Church," which, I think, indicate the leaning of his own calm and impartial mind respecting it. He says: "From what he has read of primitive usage, he thinks it evident that in very early times, when every Church, *that is, the Christian people in every city and convenient district around it*, was an *Ecclesiastical Commonwealth*, with all the necessary powers of self-government, the body of the people had a considerable share in its determinations." He adds: "There is here spoken of the practice which was prevalent before the intro-

But if it be determined, either by Scriptural authority or a wise expediency, that these primary organisms of early Christianity should be unified, not only by having the same doctrinal basis, but also by some outward ecclesiastical connection, it immediately becomes a question of importance, What shall that be? Shall the centre of unity be an *advisory* body, as among the Congregationalists; or a central *government*, complete in all its appointments, as among the Romanists and Presbyterians; or a nondescript something, such as the world never saw before (which is neither the one nor the other, but partakes of the character of both), as now, practically, among ourselves? Something having power to make laws, and yet entirely destitute of capacity either to enforce or expound them? Not a government at all, in fact.

Just here, several other as yet unsolved problems come up before the American Church, and demand the consideration of her men of thought. One of these is the following: "Is it best that a Church organization be based on territory, or upon population only? Must its limitations be, necessarily, coincident with those of the State or nation? Is it requisite that ecclesiastical and political arrangements should sustain any specific relation to each other?*" must a Church, in other words, be coterminous with the

duction of ecclesiastical synods, of the holding of which there is little or no evidence until *the middle of the second century*" ("Memoirs," p. 76). According to this venerable writer (than whom the American Episcopal Church knows no higher human authority), during the Apostolic age, and for the first one hundred and fifty years of Christian history, each diocese was a complete "Ecclesiastical Commonwealth," that is, an independent and sovereign Church. Who altered this original arrangement? Who had a right to do it? These "Commonwealths," indeed, might enter voluntarily into a confederacy, which should constitute a convenient central *agency*. But this could only be done in such a way as to leave their autonomy intact. That primary law of their existence they had neither the right nor the power to compromise. At the moment when that was first done, Popery (with a mask on) came into the world. It was a dark hour in human history. The founders of our American Church thought so, as is proved by their wise precaution to reserve all judicial and executive powers to the dioceses respectively.

* If, as I suppose, the plan of national churches (for which I know no authority in Scripture) has grown out of the idea that ecclesiastical and political sovereignties ought to be coterminous, then it appears to me that to deny diocesan autonomy may be justly

country in which it exists, and, in that respect, become national? On these points there will be found a difference of opinion, and a diversity of practice. The Anglican, the Presbyterian, and, to some extent, the Methodist, Churches have embodied the geographical idea in their arrangements; while that most beautiful illustration of a simple, primitive Episcopacy which the world has seen since the Apostolic age, the Moravian Church, discards this idea entirely, and makes what has been called "elective affinity" the basis of its polity. The Romish Church adopts both schemes, and, while she has her national organization, professes to be international in her supremacy. Assuming in this, as in other instances, the prerogative of her Lord and Master, she calls all nations, and peoples, and tongues to the "Romish obedience," and claims the uttermost parts of the earth for her possession.

I shall pursue this train of thought no further, only suggesting, as one of the unsolved problems, to be carefully considered by those who are qualified to lead in such investigations, the following important one: "How far is identity of government really of the essence of a Church?"* Whether it be not possible and permissible that the various subdivisions of Christianity (I mean Evangelical Christianity, for there really is no other), which now divide the world among them, may not be left to administer their own local affairs, and, in fact, to do their own governing entirely, and yet constitute one Church, harmonized by holding the few simple elementary truths of Christianity, and not by the force of law? Unified by doctrine, not by discipline. One whose centre of unity would be, not, strictly, a government, but an alliance, and whose ends are to be attained by moral influence, not ecclesiastical coercion.

After all, what is government? Is it not that which exercises interpreted to cast discredit upon the doctrine of State sovereignty in all its forms. Let those who value this doctrine consider that point. Organized as is American society, political and ecclesiastical questions must here often run into each other. This is an instance.

* Hawks on the Canons, etc., pp. 2 and 3.

rightful authority? But are there not various kinds of authority among men? Does it in every case, and necessarily, imply statutory or canonical enactments, with their rewards and punishments appealing to the lower motives that influence human conduct? Are not men sometimes controlled (especially in the Church) by higher considerations? And is not a power created for the purpose of exercising such control in a high sense a government? And where that government is in its constitution and character strictly *federative*—*i. e.*, the result of compact between independent sovereignties, and properly to be exercised upon these sovereignties rather than upon the individuals of which they are composed—is not that kind of control decidedly appropriate? This inquiry has in it food for thought. Our ecclesiastical philosophers might ruminate upon it with advantage to themselves and others. It is useful for them sometimes thus to “chew the cud of meditation.” The world is often too much in a hurry to do its own thinking on such subjects.

If “the leaders of modern thought” (so called) would give this direction to their inquiries, uninfluenced by prejudices of the past or dreamy speculations about the future, the result might be highly favorable to the best interests of Christian civilization. Society, indeed, neither in the Church nor out of it, may seem to be exactly in the best condition to consider such questions now. But ideas spread rapidly in this age, and a suggestion which some student strikes out in his retirement to-day, and to-morrow commits to the press and telegraph, may before a week find its way to the ends of the earth, and in a month be incorporated with that mass of human thought which constitutes public opinion; governing mankind, and being accepted as the common property of nations.

G. W. R.

LETTER VIII.

Survivor of the "Old Guard." A Band of Heroes. A Glorious Meeting. No Lawlessness. An Organic Church, what? An Incident. A Suggestion for Abler Minds. Objections Anticipated. An Eloquent Foreigner. A Dying Statesman. What Virginia can best do for Others. Dr. Newton's Argument. That Nail Clinched. A Judicial Absurdity.

REV. AND DEAR BROTHER:—

There are still some aspects of our varied and important theme which I consider it a matter of interest to examine, and other topics which I would gladly touch in passing. Some things, which cannot detain us long, still linger in my thoughts, and I shall give brief expression to them.

You have probably noticed that, although these communications are specially addressed to the Episcopalians of Virginia, I have, as yet, made no allusion to the venerable man who has so long adorned the highest position in that diocese. This has been advisedly and of purpose. I have long been convinced that it is neither kind nor wise prematurely to disturb the serenity of the Episcopal mind with any of those vexed questions which will sometimes agitate the other orders of the Church; and that it is only when those whose representatives constitute the law-making power of the diocese shall have had any subject fully spread out before them, that they are prepared to come to their spiritual father, to seek his counsel, and ask his apostolic benediction. They may then find him serene in spirit, and uncommitted to the strife of parties, as becomes his high office.

Certainly, however, there is no individual in the Episcopate for whom the writer has greater respect, or in whom greater confidence, than the present diocesan of Virginia. He counts it one of his special blessings to have been permitted to number that

venerable man among his personal friends, during his entire ministry. Having enjoyed, and so highly prized, that friendship in youth and manhood, he would be sorry, indeed, to do anything to forfeit it now, when life is drawing to a close, and its work almost done. It has been suggested, indeed, that no man should expect Bishop Johns, at his advanced age, to favor any movement the tendency of which shall be to agitate the Church. But I am sure that there is a mistake here. It is one which the young and ardent are too liable to make respecting their elder brethren. Quietude is not to be mistaken for indifference or needless caution. One who fought so good a fight in youth and early manhood will not be found long reposing upon his laurels, if once he hear the call of the Master summoning him again to the field of conflict. Bishop Johns is almost the last survivor of a company of heroes who fought their good fight because, like Paul, they "kept the faith." Like him, they have all gone to receive that "crown of righteousness" which was laid up for them where the triumphs of truth will be immortal. Except to the eye of faith, the cause they loved so much, and contended for so bravely, seems to be completely prostrate. But none need doubt that, if an opportunity should be offered to strike one more effectual blow (one that cannot but be successful) in behalf of the "lost cause," as its enemies now openly proclaim it to be, the survivor of the "old guard," true to his antecedents, will be seen heading the column, as in other and happier times. Oh, will not that be a glorious meeting, when the friend and successor of Meade, and associate of McIlvaine, shall again see his old companions in arms on "the shining shore," and receive their thanks for having fought that last *decisive* battle so bravely and so well! And I desire here to record it as my opinion, after a long and careful study of the facts, that when the final conflict comes which must decide whether the old Evangelical Party has any longer a right to exist and develop itself freely in the Protestant Episcopal Church

(and that not as a slave, but an equal), *DIOCESAN AUTONOMY* will be the watchword of truth, that shall become the battle-shout of victory.

I know, indeed, that my honored friend may be expected, above other men, to repel any proceeding that shall have the taint of lawlessness about it. No man in his senses would venture to propose such a thing to him; yet, when the proposal is merely honest inquiry and intrepid investigation, boldly carried out to their logical results, *within the Constitution*, on subjects of vital interest both to the country and the Church, no man of the times may be more implicitly relied upon than he. The present writer hopes, therefore, that it will be carefully noted, in that high quarter, that while he himself is pronounced in his opinions, and not at all careful to conceal them, yet upon all the questions of constitutional law which he has raised he holds them in entire and dutiful subjection to the judicial authorities to which we owe allegiance. When those authorities shall have once spoken distinctly and intelligibly, their decision shall be his.*

I will now resume a line of thought which was commenced in a former letter. It is intended for my own denomination, mainly; but, perhaps, it may afford my brethren of other Churches, also, a profitable subject of reflection. If the diocese present (divinely embodied) all the ecclesiastical elements, and is (according to our theory) God's plan of a Church, and that upon which its founder originally conferred complete authority, what right have we to thwart this divine plan by transferring that authority to something very different? It is perhaps competent, and consistent with the Episcopal theory, to erect one large diocese, with a single bishop at its head, and all governing powers in its hands, over an entire nation. This may be done, if it should be deemed

* The writer has no capacity to comprehend those of his brethren who speak of any law of the Church as what they are not bound to obey. This, to him, is talking in an unknown tongue. He understands law to be something which creates obligation. Without that it is not law, and should not be spoken of as such.

expedient. But to confer those powers upon a confederacy without a bishop at its head (which is Presbyterianism), or with a bishop over other bishops at its head (which is Popery), would be doing violence to the very first principles of a simple Scriptural Episcopacy. If, then, we would save our Protestantism, on the one hand, and our Episcopacy, on the other, we must here sail carefully and skillfully between Scylla and Charybdis.

What has been said as to the *diocese*, according to our theory, may, perhaps, be equally true of the *presbytery* or the *congregation*, according to the regime of their respective Churches. The difference between an organic and a confederate Church, nevertheless, is broad, distinct, and indestructible. When it shall be better understood and more generally accepted, it may be discovered to be of exceeding importance in the divine economy. Reconciling, as it does, the love of local government with the rising fondness for some form of ecumenical alliance, it may yet furnish a solution of the grandest problem of modern times: that of Christian union.*

The writer acknowledges that his view of this important subject is, in some respects, as yet, both limited and obscure; but he is convinced that, lying in that direction, there will be found an important truth, which, if well developed, must become luminous. He remembers hopefully an incident in the history of modern science: A few years ago, a French philosopher announced that if the astronomers of the world would direct their telescopes to a certain quarter of the heavens, some of them, whose instruments were better than his own, would discover a new planet. He had

* An organic Church, embodying all the ecclesiastical elements, is complete in itself. It is a perfect organism. If need be, it could fill the world with others like itself, its legitimate offspring, and made in its own likeness. A parish cannot do this except on the congregational theory. A mere federal convention of any kind cannot do it except on the principle of parity, on the one hand, or Popery, on the other, and then only by permission or direction of its constituent assemblies. With us, the opposite idea can only be the offspring of some ecclesiastical delusion unknown to Protestant Episcopacy, the obfuscated old-fogyism of an effete mediæval churchmanship.

not seen it himself, indeed, but he was sure that it must be there; for he had *felt it at the end of a long line of analogical reasoning*. He was thus so happy as to direct others, who could see further than himself, to the discovery of what his own eyes had not been permitted to behold.

However slight the immediate impression made by this little book, its author is not without hope that his pen may scatter a few seed-thoughts, as it passes over the paper, which shall hereafter become prolific in minds more fertile than his own, and produce a harvest there which his own intellectual sterility renders impossible with himself. To such he would respectfully commend the subject of the suggestion just thrown out.

I know that some things which I have presented in these letters will scarcely be acceptable to the friends of a hierarchy, as in England, or of that cautious and, as yet, feeble foreshadowing of it, called the "Provineial System," which some of our progressives are timidly and tentatively introducing into this country. But sure I am that the best protection and preservative of our Episcopal Protestantism against the constant sapping and mining to which it seems to be exposed in all directions now, will be to carry out the spirit and intention of the fourth article of the Constitution, by impressing a diocesan character *indelibly* upon everything connected with our American Church.*

I anticipate an objection to the doctrine of diocesan supremacy from a quarter in which I am desirous to commend it; and, as it bears directly upon the topic which is now before us, I may as well speak the few earnest words which I have to say, respecting it, here as elsewhere. It will be sure to be said, by some over-anxious friends of Evangelical opinion, that if a diocese like Virginia, where, in times of trial, they are certain to go solidly

*I do not forget that the Church is of divine origin. But as to that ecclesiastical corporation by which the dioceses in the United States have been hitherto connected with each other, it is quite a different thing. It is confessedly all man's work, and as such is justly liable to that law of mutation which attaches to every earthly structure and all human affairs.—*Letter to a Southern Bishop.*

against semi-Romanism in all its forms, and in favor of the old inherited traditions of their diocese, should relinquish her hold upon other dioceses, by insisting scrupulously upon her rights under the Constitution, the result would soon be that certain portions of the Church, where a different order of sentiments prevails, will certainly be given over to all manner of Romanistic practices and delusions. The idea is that Virginia had better allow the few Ritualistic dioceses, and the many whose ruling minds are really (though not ostensibly) in sympathy with them, to govern her, in order that she may, peradventure, be permitted to exert a favorable influence over them! A moment's reflection will show that such a policy is dangerous and quixotic. The position is vulnerable at every point. One consideration alone is sufficient to overthrow it. In order to avoid dullness, I shall present that idea in the shape of an instructive and, as I think, interesting incident. It may somewhat enliven a discussion which you think, perhaps, is in danger of becoming too gravely didactic.

A few years ago the eyes of the American people were directed to a solemn and affecting scene which was transpiring at the Capital. The foremost statesman of the land had been stricken down in the midst of his glory. The icy hand was laid upon him on the very theatre where his greatness had been achieved. Henry Clay was dying at Washington; and as life slowly ebbed away, its latest pulsations were given to his country.

About that time a noble foreigner visited America. He came on a patriotic but romantic mission. He earnestly appealed to the assembled representatives of the people that they would interpose (forcibly, if need be) in behalf of his oppressed country. But finding them disposed to look coldly upon his enterprise, he determined, if possible, to fire the nation's heart, and carried his appeal from the representatives to their constituents. He moved all classes of men by his wonderful eloquence. He claimed that America owed it to herself, as the acknowledged champion of

free institutions throughout the world, to engage in that wild crusade. And while doing this he not only won golden opinions for himself, but was making a considerable impression in favor of his cause. In the course of events it naturally came to pass that this distinguished stranger desired to pay his respects to Mr. Clay. An interview was arranged between them. The cause which had begun to interest the nation so deeply was formally presented to the dying statesman. He made a formal but brief reply. It is evident that he was waked up by such a theme. He saw an opportunity of once more giving important counsel to his country. Bulletins were issued almost daily from that sick-chamber, in response to the anxieties of a deeply-touched and mourning people. In a few hours Henry Clay's last speech was read not only in the crowded cities, but in many a log hut beyond the mountains. It was very short, but, as was his wont, he embodied in it the commanding thought of his subject. The effect was decisive. As far as I know, the eloquent Kossuth and his international chivalry were not heard of afterward.

But what was this commanding thought? It is that which connects this narrative with the subject which I am discussing. It was this: that the best thing which the United States can do for Hungary and for Europe is to attend wisely to her own interests; to show a successful issue of our great political experiment, and thus demonstrate to the world that free institutions can exist and flourish. The bare spectacle of a prosperous Republic will furnish an unanswerable argument for friends of freedom everywhere. All the governments of the earth, as they behold it, will be gradually transformed into the likeness of what they look upon. So thought and spoke the great Kentuckian. His prophecy is now fast becoming history in the sight of all men. The lesson is as true and as important in the Church as in the State. The best thing that the Virginia Church (in fulfillment of her appointed mission) can do for the other dioceses, and for mankind, is to show them an example of what has been rarely seen since

the apostolic age, a genuine Diocesan Episcopacy; true to all federal relations, so long as they exist, and are true to her, but carefully guarding her own inestimable and inalienable, because divine, autonomy; catholic within the limits of the Gospel, but sternly barring out, by defensive, diocesan legislation, all corruptions of Christianity from abroad, whether Romish, or Greek, or Anglican, or American. She will thus become in ecclesiastical what she was of old in her political relations, the champion of constitutional rights, in the Church as in the State; and by her men of thought, and her broad, statesmanlike policy, making herself a blessing to both, in the critical periods of their history. The bare sight of such a diocese (simple, self-poised, and Scriptural, and thoroughly Evangelical withal) would be to other Episcopal communities what our Republic is to the other governments of the earth. As they consider her simple beauty, and Scriptural harmony and order, they, by an influence as certain as any law of nature, will be silently moulded into the resemblance of what they contemplate. It seems to me that any reflecting man who shall survey Christendom, and note its awakened thought, its quickened activities, its significant agitations, must be impressed with the idea that the world, at this hour, awaits the advent of such a Church.

Some are looking for it in the new Reformed Episcopal Church. Of that I am not now called upon to speak. Certainly, I am not the man to say a word in disparagement of the leaders in that movement. Men more nobly conscientious, or truer to their own convictions, could not easily be found anywhere. But, for myself, I still look hopefully for important developments, in the interests of Evangelical religion, nearer home. My hope is, that our oldest, and, measured by the standard of the Gospel, ablest and best diocese, will be the chosen instrument to work out our deliverance. She can accomplish it, if she please, and that peacefully, happily, *certainly*; aye, and entirely within the Constitution of the Church. Without a single act that any reflecting man will say

is in violation of the Church's law. The fact that all judicial authority is hers, that she has never parted with any portion of it, and, so long as she keeps her senses, probably never will, settles that question. Her judgment is final in every case, and nothing in harmony with that judgment, honestly and fairly given, can be properly accounted illegal.

If there be a man living in whose earnest and honest devotion to the interests of Evangelical religion you and I have the fullest confidence, it is our old friend, Dr. Richard Newton. We may think, indeed, that, in some cases, he has erred in judgment; but we can never fail to listen to anything from him with affection and respect. He has spoken on most of the leading issues of the day, and on some of them with almost unequalled clearness and vigor. One of these utterances is so distinct and resonant, and bears so directly upon certain aspects of the subject now before us, that I cannot forbear to quote it. It certainly is the best account that I have seen of the origin and history of that "*iron-clad theory of the Church service*" by which the petition of Virginia was so promptly swept from the floor of the General Convention, as if it had been a public nuisance. He shows that it came out of that Pandora's box, the old English "*Act of Uniformity.*" He says, truly, that "the existence, for generations, in the Church of England, of a law like the 'Act of Uniformity,' would naturally and necessarily give rise to a feeling that it was a wrong thing, a breach of law, to omit any word in the Prayer-book. And when the Prayer-book came into use in this country, the same feeling would naturally be connected with it. It was the atmosphere which had gathered around it, and came with it. But the thing for us to remember is, that the law which there required this strict, unbending uniformity in the use of the Prayer-book, is no law with us; and, therefore, that which would have been an offence there, is no offence at all where this law does not exist."

After saying that the only obligation by which any minister of this Church binds himself to the use of the Prayer-book, is the

declaration which he signs at the time of his ordination—viz.: “I do solemnly engage to conform to the *doctrines* and *worship* of the Protestant Episcopal Church in the United States”—Dr. Newton adds, in his incisive way: “But the poles of the earth are not wider apart than are the requirements of that unbending, adamantine, and monstrosly oppressive ‘Act of Uniformity,’ on the one hand, and those of this simple, sensible, flexible, general, and most liberal declaration which our Church requires of her ministers, on the other. *Conformity* to the doctrines and worship of the Church: this is all to which any minister of this Church has pledged himself.”

That is certainly a strong showing of the case. But I think our friend might have made it still stronger, and, indeed, rendered his position impregnable, if he had clinched the nail which he had driven with so much force, by pointing to the decisive fact that the legislative import of that leading word, “conform,” has long ago been settled in its application to “doctrines,” not only by contemporaneous practice, but by all our subsequent legislation. Everybody knows that in that connection it has invariably received the most liberal, and, indeed, what some have considered latitudinarian construction. So much so, that we have been charged (I fear justly) with allowing all kinds of theologies among us: Calvinistic, Arminian, Sacerdotal, Sacramentarian, semi-Romish; and besides these there is a chance for anything else you please, under the broad panoply of that new gospel of indifference, which sometimes calls itself “Broad Churchmanship.” Now, where a single word constitutes the pivot upon which the interpretation of a law must turn, and where that word occurs but once; to give it two different interpretations in the same sentence (liberal, as it refers to one member of that sentence, and strict, as it refers to another), is an outrage upon common justice and common sense, which would not be tolerated for a moment in any civil court; nor (one would think) in any ecclesiastical court either, which had not fairly taken leave of its

senses. And yet, if I mistake not, this remarkable absurdity has pervaded the entire jurisprudence, on this subject, of our misguided and misgoverned Church. Strict, to an extent that has no example among Protestants, in enforcing the mint, anise and cumin of her rubrical regulations, and yet deplorably lenient, not to say loose, in regard to all the weightier matters both of the law and the Gospel; so that her ministers may go to the extreme of Ritualism or semi-Romanism on the one hand, and Rationalism on the other, and, indeed, believe and teach pretty much what they please, provided, only, they rigidly comply with the Rubrics; that great *sine qua non* of American Churchmanship! All this is actually taking place before our eyes in the United States and Nineteenth century.

If it had been otherwise, that stern and almost ferocious rigidity concerning the "worship" of the Church, of which Virginia and her five hundred associate petitioners had such grievous reason to complain, would not have existed, and their mortifying repulse by the representatives of the associated Church, and before an astonished world, could never have taken place. And yet, if that event shall lead those immediately concerned to an earnest re-examination of the constitutional foundations of that doctrine of federal power from which so many evils have arisen in the past, and so many more may be expected in the future, it will yet prove itself, not a subject of regret, but thankfulness. I again ask your aid in this endeavor to prepare the public mind for such an examination, and to make it thorough.

G. W. R.

LETTER IX.

Dr. Hawks' Position. General Convention Represents State Conventions. "Union," "Unity"—The Former Built on the Latter, and the Latter on the XXXIX Articles. A Seminal Idea. Unconscious Witnesses. Hon. Randolph Tucker. Hon. Mr. Bayard. Opinions Held in One Sphere Renounced in Another. Dr. Coit on Imperialism. A Question Asked. Evangelical Party Disheartened, not Dead. Ho! to the Rescue. A Syren Song. A New Church. Influence on Ourselves. Set the Laity Thinking. Resonant Cry. Policy Relaxed. Another Phenomenon. Massed in the Centre. Waiting for Virginia—She will lead the Way. A Lesson for Her from Virgil. Conclusion.

REV. AND DEAR BROTHER:—

I might commence my communication of to-day with a note of congratulation that this series of letters is near its close, and that your severely taxed, and, perhaps, wearied attention will be soon released. Other issues connected with this prolific and important theme still challenge examination. But I forbear. If my views respecting them shall ever be presented, it must be at some future time.

I proceed, briefly, to fortify the main position that I have taken (that of diocesan independence and supremacy) by the highest authority that our Church affords. In the department of ecclesiastical law, Dr. Hawks will, I think, be generally regarded as occupying the highest place. He has one great advantage, which distinguishes him from others who have entered the same field. Not at all bewildered by smoky speculations of the past, he allows no worn-out traditions of other times to embarrass him, when expounding the legislation of our own. Give him a canon or a constitution to interpret, and, like a man of sense, whose "much learning" has not "made him mad," he confines himself to the *lex scripta* which lies before him, giving all Church theories to the winds. Nevertheless, he knows, as well as any, that these

same Church theories were dominant in a former age, and do very well, even now, to enliven literary conversation, or amuse an hour of leisure.

In support of the leading doctrine which I have embodied in these articles, I offer the following quotations from his book on the Constitution and Canons of the Church. Although some are more definite than others, yet they will all be found looking in the same direction. They show how exactly their author had caught the spirit of the times in which our institutions were established. I regret that his other works are not, at present, within my reach, for they furnish some apt illustrations of the same important subject, viz.: Diocesan Independence, and its constitutional relations to federal power.

In his work on the canons, speaking of the first general meeting of Episcopalians in the United States (1784), he says:—

“From Virginia, Dr. Griffith was present by permission. He could not sit as a delegate, because Virginia (a State which, throughout its whole ecclesiastical history, since the Revolution, has always asserted its diocesan rights) had forbidden, by law, her clergy to interfere in making changes in the order, government, worship, or doctrine of the Church. Virginia asserted the entire independence of the Church, within her limits, of all control except her own” (p. 6). * * * “The testimony would seem to leave no doubt that in each State the Church considered itself an integral part of the Church of Christ, *perfectly independent*, in its government, of any and every branch of the Church in Christendom.” * * * “We present, now, the facts that show the sense of *independence* entertained by the churches in the several States” (p. 4). * * * “She (Connecticut) furnished one of the plainest proofs of the general sense of American Episcopalians as to the *independent character* of the churches in the several States” (p. 8). * * * “And yet, it must be remembered that no liberality of interpretation should so stretch its powers as virtually to destroy those *diocesan rights*, that are as essential to our well-being as the union itself.” * * * “The experience of our civil history shows that few points are more difficult of adjustment than the respective rights and powers of the State

and General Governments." "Hitherto there has been, practically, but little difficulty, but it is easy to foresee, as our numbers increase, the *certainty of future conflict*. It is difficult to lay down a general principle on this delicate subject of the respective rights of the Church at large and the churches in the several dioceses. What is desirable is, on the one hand, to promote *such a union as is compatible with diocesan independency*; and, on the other, so to uphold the just rights of the latter as to prevent their merger in the former" (pp. 9, 10).

Let Virginia note the far-seeing anticipation, and take heed to the solemn warning of this first of American canonists. Here, as elsewhere, he scouts all "union" that is not "compatible with *diocesan independency*."

Speaking of the third article of the Constitution, he says:—

"Diocesan equality is here asserted; and further, diocesan *independency* in all matters not surrendered for the great end of *union*." And again: "The representation of dioceses, *as such*, founded on their existence as *independent portions* of the Church, though bound in a general union with the sister dioceses, is here distinctly recognized." * * * "In the General Convention of 1789, Bishop Seabury, with the churches under his care, came into the union, but not until a change had been made in this article," etc.

Speaking of Bishop Meade's election, Dr. Hawks says:—

"The General Convention had no right to say one word as to the mode or form of electing; that was not part of her sovereign, independent rights that had been ceded or surrendered by Virginia."

Speaking of the sixth article, he says:—

"This is the only clause in the Constitution relating to the important subject of the judiciary. At the time it was adopted, had the effort been made to leave the subject in the hands of the General Convention, it would have produced strong feelings of opposition to union." * * *

Commenting on the ninth article, he asks:—

"What does it mean by 'the Church'? Is it simply the members of the General Convention? Neither individually, *nor as representatives*, or in any other way, are they *the Church*." They

were, "in all they did, to all intents and purposes, representatives of the *Conventions* of this Church in the several States." Again: "It also proves, we think, that States, *quasi States*, or dioceses, are alone competent to alter the instrument at all."

The Doctor, speaking of a certain erroneous and dangerous view of federal authority, expresses himself strongly, thus:—

"Under this fearful consolidation of ecclesiastical power, dioceses which once had rights, and which came into the union because these rights were preserved to them under the Constitution as it stood, may find themselves so shorn and stripped of every vestige of former privileges, that diocesan Episcopacy may become but little more than an empty name."

On the eighth page of the work to which we have been indebted for the above quotations, I find the following passage:—

"It would seem, then, that the churches of the several States came together as independent churches, duly organized, and so considered each other, for the purpose of forming some bond whereby they might be held together as one religious community throughout the whole United States."

To that statement no exceptions can properly be taken. Their object was just that: to form a *bond of union*. The Doctor asks, "Did they merely purpose to establish a *concordat*? Did they mean to make nothing more than a *league* between them, thus forming a simple confederacy?" He then adds, they answer for themselves "in a constitution of government."

I fail to have at hand the words here placed in quotation-marks, or I should be glad to compare them with their context. That word "government," like most English terms, has a *strict* and a *liberal*, or popular meaning. The best way to ascertain what the framers of our General Constitution *intended* to do, is to examine carefully what they actually did. If any man can find in the "Constitution" which I have endeavored to examine anything that can be called a government in the full and strict sense of that word, he must have powers of investigation which most men certainly do not possess.

I am aware with how much hesitation and humility I should venture to differ with such a man, on such a subject. But some acquaintance with gentlemen of the Bar in early life, long ago convinced me of the fact that it is perfect folly for the plainest man in the community to hold his opinions in passive subjection to mere professional authority, when such is the uncertainty of language, and such the proverbial uncertainty of law also, that, on a large number of the constitutional questions of the day, about as many of those learned gentlemen may be found on one side as on the other. Be this as it may, if I understood Dr. Hawks as distinctly stating that a federal government, in the *strict* sense of that word, had been established (which I do not), then, with that broad fact staring me in the face, that *all judicial and all executive powers have been carefully withheld*, I should feel obliged respectfully to dissent from his opinion on that point. I have elsewhere called this giving the power to make laws, without that of either interpreting or enforcing them, the "shadow;" but in such a connection I should regard it as more properly the *mockery* of government.

Dr. Hawks, speaking of another subject, has thrown out a passing intimation, which, perhaps, furnishes the solution of any difficulties which may arise respecting this important matter. He says :—

"The point is one *which has never been raised*, or thoroughly discussed; and, in truth, in the absence of thorough research, this, like some other questions of importance, has been settled rather by accident than upon solemn consideration" (p. 46).

Yes, "settled by accident." How many important questions, both in ecclesiastical and political affairs, have been conveniently, *for the time*, disposed of in that way! But it has only been for the time. When events call for it, they are sure to reappear as living issues. Then they undergo a fuller examination, and are settled in a clearer light, and upon a firmer basis. So it will be here. As to the theory (whether hitherto "settled by accident"

or not) which seems to have long had possession of the popular mind, that the representatives of the original dioceses transferred their right of self-government to the General Convention, I think that a fair examination will determine four things respecting it. First, that, as a question of expediency, they had better not have done it. Second, as a question of principle, they ought not to have done it. Third, as a question of law, they had no right to do it. Fourth, as a question of fact, they have not done it, nor intended to do it.

Dr. Hawks draws a clear and important distinction between "unity" and "union." The one is God's work; the other, man's. The former is the kernel, the latter the shell. The different "State-churches," as they were sometimes called in that day, were, in all matters of government, entirely distinct and independent of each other from July, 1776, to July, 1789; yet their "unity" was as complete as it has ever been since. In other words, we are not more really one Church, now that we have one central government (supposing that to be the fact), than we were during the number of years in which each diocese governed itself. And thus, if the Convention of 1789 had never met, and its little Constitution had never been enacted, we should still have been as really "the Protestant Episcopal Church in the United States" as we are to-day.

Speaking of that distinction between "union" and "unity," the Doctor makes his position still clearer by saying: "The one (union) was the creation of conventional arrangement among men, and rested only upon an agreement entered into or acquiesced in *under a given state of circumstances.*" A little further on, speaking of our severance from England, he adds: "Relations created originally by human appointment merely, were *completely changed by circumstances*, and human wisdom might therefore lawfully enter upon the task of devising new relations, and forming new bonds for their establishment" (p. 3). The italics in this quotation are my own. They show the point which my subject

here presents for consideration. If the original "*state of circumstances*" becomes altered in any important particular, it is the right, and may become the duty, of any one of the contracting parties to dissolve the "conventional agreement" which had been based upon it. Nay, it may be questioned whether such "conventional agreement" does not become dissolved *ipso facto*, instantly and unavoidably, for the same reason that when the foundation of an edifice has been undermined the superstructure must of itself fall to the ground. The "union" between the Episcopal Churches in England and America was not broken up by the action of either of these Churches. They did not create the fact, but only declared it. It would have been a fact whether they had declared it or not; nay, whether they desired it or not. Both the Churches alluded to might have preferred a continuance of their union, but a change in "the state of circumstances" had dissolved it. The agreement was made for that "state of circumstances," which was, therefore, of the essence of the contract; and, the conditions being changed, the "relations created originally by human appointment" were changed also. Nor are such conditions merely political. They may be religious. If either of the Churches referred to had become heretical, or had ceased to be Protestant or Episcopal, would not that change in the original "state of circumstances" have been as promptly and unavoidably fatal to their "union" as any mere political revolution?

Since, according to Dr. Hawks' clear and masterly distinction, "union" is the creature of circumstances, and the work of man, while "unity" is based on doctrinal agreement, and comes from a higher source, it becomes an interesting inquiry, What circumstances call for "union," and what demand separation in the churches? Suppose "union" becomes hostile to the very "unity" which it was intended to preserve, by undermining or breaking up the *doctrinal agreement* upon which it had been founded, what then? These are suggestive questions, which must

come up some day and demand a practical solution. We had better be getting ready to meet them when they arise.

One of the great foundation-facts which Dr. Hawks has brought out with so much power bears strongly, I think, in a direction which has not yet been indicated. I refer to his statement, already quoted, that the only bond by which our Church was held together until 1789 was the common recognition of the Thirty-nine Articles (p. 7). To this bond, as we have seen, he gave the name of "unity." Out of that another presently arose, viz., "union," which he speaks of (p. 3) as "a conventional agreement, *acquiesced in* under given circumstances." The "union" of the different Church sovereignties, of which our present confederated organization is composed, is, then, based upon their "unity," and that, again, according to this eminent constitutional historian, upon a "common recognition" of that grand system of Protestant doctrine and discipline which has been embodied in the Thirty-nine Articles. Surely this is a momentous and magnificent fact. Our whole ecclesiastical superstructure stands upon *a basis of doctrine*, and that sternly and grandly Protestant. Who has administered the opiates by which that gigantic truth has been laid asleep in the bosom of the Church? But it is destined to wake up soon, a giant refreshed by slumber.

The great principle to which I have just referred is highly prolific, and full of important inferences. They will be drawn out in due time by what has been elsewhere called "the logic of events." They will all surely come when needed. At present, I shall suggest one of them.

If the "union" of the dioceses be based upon their "unity," and that, again, upon their "common recognition" of that noble system of Evangelical and Protestant truth which is to be found in the Thirty-nine Articles, then the result is clear, that when they cease to be Protestant and Evangelical, in law they cease to be united. It was no part of the system instituted by our fathers that corrupt and uncorrupt churches should ever be united to

each other. They never intended to chain a living body to a dead or dying one. It was not their plan of union to bind a Protestant church in ignominious and deadly subjection to half a dozen or half a hundred Romish or semi-Romish ones. For the very purpose of rendering this impossible, they took care to lay the most thoroughly anti-popish confession of faith known to Christendom at the bottom of all their institutions; and then, to make assurance doubly sure, to reserve the decision of all questions growing out of it to the diocese itself.

If, then, any system of legislation shall be enacted (whether under Ritualistic or Rationalistic influences, or of the two combined) which, in the opinion of any diocesan judiciary, is at variance with the said "common recognition" of our articles of faith, then it becomes the right and duty of that judiciary to do one of two things: first, to decide that such legislation is in violation of our organic law, and, therefore, void; or, secondly, that the "conventional agreement," which was based upon "a given state of circumstances," has, by a change of those circumstances (of which the said "common recognition" is an essential part), ceased to exist, and the union, of course, dissolved. It may be competent for either the judicial or legislative branch of the government, before whom the subject can be regularly brought, to make such a declaration.

Perhaps, after all, the best, safest, and most entirely adequate solution of certain ecclesiastical perplexities (which are now evidently culminating in important results) may be found close at hand. The clear-sighted canonist and eminent constitutional lawyer to whom we have already so frequently referred furnishes a hint which may serve to guide us in this inquiry.

In commenting on the ninth article, which shows how the Constitution may be altered, he expresses himself in language which I have already quoted. He asks: "By whom in the General Convention is a change to be made? The article answers: 'By the Church in the majority of the dioceses.'

What does it mean by 'the Church'? Is it simply the members of the General Convention? Neither individually, *nor as representatives*, nor in any other way, are they *the Church*." Now here, if I am not deceived, we have a thought that has great power in it. If carelessly tampered with, it may prove to be the power of a torpedo which shall blow up our entire Church edifice. But if judiciously developed, it will exhibit the force of a divine vitality; the still and gentle, but resistless energy of natural growth. That by which the seed becomes the harvest. That by which the little acorn is unfolded into the lofty oak. In other words, it is a *seminal* idea. But what is that idea? It comes to us modestly, and, as it were, with a veil upon its face; but a veil which it is easy to see through. If that General Convention is not the Church, neither "representatively, nor in any other way," it will presently be asked, What right has it to legislate for the Church? Some will answer: "None, absolutely none;" and, in that case, our whole system of canon law is simply usurpation and misrule. There is the torpedo of which I spoke; and, if carelessly handled, it may blow up Constitution, Convention, Canons, and all. But has Dr. Hawks left us in that perilous condition? Not so. He has left us premises indeed, from which, in due time, a conclusion of great importance will certainly be drawn. He does not draw it himself. He describes himself as a pioneer in an unexplored wilderness. He plainly refers to issues that had not been then raised, and important questions that had been settled "rather by accident than investigation." He starts no new issues, though he sees clearly the fact that some very radical ones must, hereafter, come forward of themselves. But, evidently, he is cautious not to wake them up before their time. He says: "It is part of the creed of an Episcopalian that it is best, when circumstances permit, '*ambulare super antiquas vias*.'" In this connection, he forgets to tell us that it is part of the creed of a Protestant that it is best *not* to do so when it becomes manifest that, in the present state of the world, those ways lead Romeward.

I suppose that no one will contend that the General Convention is possessed of underived powers. The members of the Lower House legislate as “deputies;” those of the Upper are supposed to be there *virtute officii*. So far as their work is concerned, however, they are deputies also; only of more permanent appointment. The deputy, *ex vi termini*, has no original authority. The members of that Convention are legislators only, and are upon an entire equality. They can make laws, but nothing more. Make laws for whom? For those by whom they were deputed, those whose *representatives* they are. And who are they? Dr. Hawks says, and all the facts of the case say, not the people of the Church, but the *Conventions* of the Church only. In other words, they represent those by whom they were elected. Election and representation are correlatives both in Church and State. The Senate of the United States is elected by the Legislatures, and represents the States in their corporate capacity. The House of Representatives (to which nothing in our federal organization bears any resemblance) is elected directly by the people, and represents the people. This distinction is broad and radical, and, where circumstances require it, may become far-reaching; though not, in any proper sense, revolutionary. Dr. Hawks hints at this cautiously; but the issue presented was not for his day. Events, however, have been moving very rapidly since then. Some of our prominent men have been making history for us very fast.*

A fair development of Dr. H.’s “seminal idea,” as I called it a

*The following extract gives one illustration out of many. It is from a late pamphlet:—

“In the East, a clergyman boldly proclaimed, the other day, that ‘Protestantism is a failure.’ In the West, a distinguished leader of opinion among the clergy announces the extremest Romanistic Sacerdotalism, and, instead of being immediately unfrocked for it by the authorities of his diocese, they heap their highest honors upon his head! He is sent to the General Convention, where, in the face of the assembled representatives of the whole Church, he ostentatiously and defiantly makes a similar proclamation. You remember, Sir, when that would have been fatal to any man. But not so now. In a short time afterward, as if delighted with it all, he was taken up for the Episcopate by two dioceses, the one High-Church and the other Low, and nearly elected in both.”

little while ago, would, I think, exhibit something like the following practical result. The General Convention is a legislative body; but it is a *confederate* legislature merely. *What is a confederate legislature?* My object in italicizing those words is simply to make emphatic an important question, and not to maintain a thesis. I suppose that federal power is strictly that which is based upon a compact between independent sovereignties. It acts upon organized communities only, and not directly upon the individuals of which they are composed; upon the dioceses, and not their private members. Not upon the communicants, nor even the congregations, but only the *Conventions* of the Church. Or, if upon the former, only through the agency of the latter. A federal legislature may exercise whatever powers the confederate sovereignties shall, in their constitution or compact of alliance, think proper to confer; and, no matter how large those powers, it is only a *federal* legislature still. But the moment this rule of action shall be reversed, and its powers be brought to bear, not only upon the corporate bodies which it has placed (as such) in connection with each other, and for which alone it is a centre of union, but upon the individuals of whom those bodies are composed, then it ceases to be federal in its character, and becomes a consolidation.

A confederacy may be a mere alliance, an amicable league, and nothing more; or, it may place itself under the jurisdiction of a federal legislature, which shall bring into still closer connection the several constituent bodies of which it is composed; or, it may subject itself to the authority of a federal *government*, complete in all its parts, with the legislative, judicial, and executive departments properly related to each other. Those who put our own federal organization on the footing of the first, may, perhaps, place it below, but I am very sure that those who would liken it to the last, place it above its true constitutional position.

If the judicial authorities of the Virginia Diocese, in whose hands the whole subject has been placed by the Constitution,

shall work out this problem well; if they shall succeed in so adjusting the ecclesiastical relations, which they are appointed to interpret, that the merely human will not be allowed to overmaster the divine arrangements of the Church, then a result will have been reached of inestimable value to all Protestant Christianity. Let the diocesan and the federal economy be each fitted closely into its place, so that they shall hereafter move in harmony with each other, and also with the organic law of their existence, and at once many of our most serious difficulties will subside, and a new era of prosperity open before us. And here let me add, that if the Virginia Church, after that thorough investigation, for which there are no men living better qualified than some of her own sons, shall pronounce favorably upon the views which are here respectfully (and with loyal submission to authority) presented for her consideration, she can accomplish all that I have said, and more. She can do it constitutionally, quietly, completely. A single wave of her hand (judicially) will achieve the magnificent result; aye, and much more gracefully, as well as graciously, than the abrupt and unconciliatory action by which her late humble petition was so unceremoniously bluffed off in the House of "Deputies;" an authority supposed, by some, to be superior, but which her diocesan judiciary can easily demonstrate to be subordinate to her own. It should be remembered, too, that the decision of that judiciary is, under our present Constitution, final. It settles the question. Thenceforth silence on the subject rightfully descends upon the churches; and it will not be broken, except, perhaps, by the suppressed mutterings, or, it may be, the open lion roar of an indignant but baffled party.

Such a proceeding might, under existing circumstances, be made to look a little like what politicians denominate a *coup d'état*. But it would be justified, even if that comparison were a fair one, by a broken covenant; or, at least, a chronic perversion of constitutional relations. A perversion of such a character as to have placed the agent beyond the reach of his principal, the

servant above the master; and, what is worse, to subordinate the divine to the human elements in the economy of the Church.

Let any court of competent jurisdiction (ecclesiastical or civil) decide that the General Convention of the Protestant Episcopal Church is strictly a federal legislature; that, as such, it has direct authority only over those whom it represents: let the opinion expressed by Dr. Hawks be also judicially confirmed, that it represents the *Diocesan Conventions*, by whom its members were elected and not the people at large, and at once a new and most beneficent order of things will have arisen among us. The larger portion of our legislation will then be done where it ought to be, in the dioceses, and the federal power be restricted (as the very name implies) to such action as shall bear directly upon the confederated *sovereignities* by which it was created, and which, only, it was appointed to represent. It will at once be asked: what, then, becomes of that great mass of our canon law which is intended to bear upon individuals? I will not say that it is turned into waste paper, for I do not believe such a conversion possible. But if those who are competent should decide it to be nothing but that already, however it might be a matter of regret to some, it would hardly elicit expressions of sympathy from one who, having intelligently examined the facts and documents in the case, does not allow his conservatism to take undue advantage of his candor.

Within the last few days the newspapers have given to the country speeches from several of our distinguished men, bearing, as I suppose, upon topics that are embraced by this discussion. In them, they seem to me to be strong, though probably unconscious, witnesses in behalf of the great principle in our Ecclesiastical economy which these letters are intended to bring into greater prominence and more vigorous activity. One of them is an eloquent Virginian, who has inherited a name well known in the history of that commonwealth, the Honorable Randolph Tucker. In a late speech (of which a gentleman, who, from his name, I

take to be the son of an old friend of mine,* speaks as the best that he ever heard in Congress) Mr. Tucker says: "The greatest invention of American genius had been left out of view, and that was the absolute subordination of governmental power to the Constitution," etc. In answer to a question from Mr. Hoar, of Massachusetts, "Mr. Tucker said that he was very much pleased to respond to the question, but he asked the gentleman from Massachusetts to point out where the word 'national' (in respect of power, or anything else) was found in the Constitution."

Mr. Lawrence said "it was in the minds of the men who made the Constitution."

Mr. Tucker—"The men did not make it. No one man made it, and the Federal Convention did not make it. If the gentleman wishes to know who made it, I say (with great emphasis), *the States made it.*"†

On a late public occasion, in Philadelphia, the Honorable Thomas F. Bayard, United States Senator from Delaware, responded to the toast: "The Federal Congress, the representatives of the sovereignty of the States, and the majesty of the people in council."

* * * "Mr. Bayard then went on to say, that, in considering the meaning of the words Federal Congress, we should never forget that the founders of the government adopted the name 'United States,' or States united; meaning, of course, a union of sovereign and independent States. The term is pregnant with meaning, and is the root-idea of the general government," etc.

If I understand these gentlemen, their theory is, that it was not the people (strictly), but the States, who were united under that Constitution. And, although "we, the people," made the Constitution, it was not in a dispersed but organized capacity, as

* Lucius Q. C. Lamar, of Georgia, was a fellow-student and special friend of the writer, at the Litchfield law-school, in 1816 and 1817.

† Dr. Hawks says (p. 41): "The Constitution (of our Church) was made by the *State Conventions.*"

States; aye, *States united*. This they claim to be the import and significance of those important words: "We, the people of the *United States*," etc.

On the soundness of this doctrine, in its political connections, I have not a word to say. In an ecclesiastical discussion like the present that topic would be entirely out of place. Whether the gentlemen referred to are Episcopalians or not, I have no means of knowing. But this I do know: that a large number of our ablest and best Churchmen are in full sympathy with these opinions, and the policy they denote. Now, to such I would, in all fraternal kindness and respect, make a personal appeal. I would say to them: "Brethren, how is it that I find you so intensely interested in a great principle which you suppose to be embodied in the Constitution of your country, and yet so entirely indifferent to the very same principle when exhibited (much more clearly, I think) in the institutions of your Church?" As statesmen, you well know that the philosophy of government is uniform and universal; that its truths do not cease to be true by passing from one sphere of thought and action to another. And, surely, it is for the interest of all that, when any luminous idea lights up the government of a nation, it should be reflected by every surrounding social combination, just as all mirrors reflect the sun. May it not, then, be justly expected that in our Ecclesiastical assemblies the champions of State sovereignty in the country will be the earnest advocates of diocesan sovereignty in the Church?

Especially, I should mourn over any evidence that the leaders of opinion in Virginia could renounce in one department principles which they hold sacred as the nation's life in another. Should such sad inconsistency be extensively manifested, and its full meaning comprehended, it would mantle many a patriot's cheek in the "Old Dominion," and be a cause of lamentation from the Ohio to the Chesapeake. Montpelier would tell it in sorrow to Monticello, and Monticello to Mount Vernon, that Virginia's sons

had abandoned, in their public relations, the high ground of *principle* on which their fathers, in a time which tried what men were made of, stood before the world so grandly. But this can never be. Let that great doctrine of the Church's federal organization be fairly brought out from the hiding-places into which it has been driven by a centralized, but, as I think, unconstitutional authority in the Church, and the class of statesmen to whom I made an appeal just now will, at a glance, recognize it as their own. From that moment the fate of the colossal error against which these letters were intended to bear witness will be sealed. A handwriting on the wall of every sanctuary where our Church assemblies meet will soon announce its impending doom. And it will be no matter of surprise to any who are accustomed to note the springs of human action, and study the causes of leading events in history, if the vote on the Virginia resolutions in the last General Convention, like the vote on Papal infallibility in the late Vatican Council, shall prove to the system of error with which it stands connected what Bonaparte, at Waterloo, called, prophetically, "the beginning of the end." "So be it," will be the earnest response, to that suggestion, of a thousand anxious and desponding hearts. And let it never be forgotten, in this connection, that the point of final separation between Protestant and Romish Episcopacy is just on the confines of the diocese.

An able man, the Rev. Dr. Thomas Coit, in an article for the "Churchman" of October 30th, 1875, reminds us that the first great congress of the Christian body politic told the Bishop of Rome ("bishop, no doubt, but nothing more") that he is not to place himself above his position of diocesan equality with other bishops. "Here (says the Doctor) is Episcopacy plainly enough; and due care taken, not to prevent its becoming diocesan, but to prevent its becoming *imperial*." He adds, in a note, "The tendency of our Republic (so some say) is to become a centralization of power at Washington; and that, like former republics, we may end in despotism." He says, also, very properly, that the multipli-

cation of dioceses tends to the diffusion of power; the Pope long ago found this out, and, in order to depress the diocesan authorities, he assumed the rights of "an absolute *Ecclesiastical Emperor*."

The Doctor is right if he supposes that the great danger of every federal arrangement, either in Church or State, is *centralization of power*. It is eminently true, also, and never to be forgotten, that the surest preventive of such perilous centralization, and that which alone can bar it out effectually, is the watchful guarding of the original sources of authority in the local organizations. These, with us, are happily all diocesan. It is not so much, however, that such centralized power is either Papal, as at Rome, or Presbyterian, as with us, but that it is *imperial*, that makes it dangerous. That gives it a position in which it is removed from the close inspection and freed from the direct control of the sovereign people, who, both in Church and State, are (under God) the true dispensers of legitimate authority.

Without changing the current of our thoughts materially, I would now ask you the following questions: What if that which some of our best men of the past long ago predicted should come to pass in our day? What if the dominant majority, call it by what name you will—High-Church, Sacerdotal, Ritualistic, semi-Romish—it matters not (these are all branches of the same tree, and nourished by the same tap-root), finding, at length, its old enemy, "The Evangelical Party," completely in its power, shall proceed to give the *corp de grace* to its hereditary foe? Those who have been watching it for more than a generation, long ago gave warning that it was stealthily coiling around its too unsuspecting adversary. What if it is now beginning to tighten its grasp, and only bides its time to crush (like some huge boa constrictor) every bone in the body of its helpless victim? What, I ask, would, under such circumstances, be the wisest policy for the friends of Gospel truth and Protestant freedom in the Anglican communion? The providence of God has, in this critical period of the world's history, given to them in charge that

Church's most vital interests. It appears to me that there is no class of men now living upon the earth who have a more important work to do. That Anglican communion, with all its defects, has long been the acknowledged leader of Protestant Christendom. If it shall ever shake off the fetters that now bind it, and become regenerated by the power of a living Gospel, it must be through the agency of its small, and apparently diminishing, and (in a military sense) "demoralized" Evangelical Party; the party of Scott and Newton, of Cecil and Simcon, of Wilberforce and Thornton; and in our country, of Griswold, and Meade, and Johns, of Bedell, McIlvaine, and Milnor. That grand old party, now discouraged and discomfited, betrayed within and beaten without, seems almost ready to give up the battle in despair. But there is at least one old man, who loved and lived for it in youth, and still honors it in age, who would gladly revive its hopes, and once more rally it to the rescue. He would say to his brethren that all is not lost that is in danger. He would ask them to remember how often they have known, in their own experience, and seen in the history of the Church, that "man's extremity is God's opportunity." He would remind them of Gideon's army, which God, by a sifting process of His own, purposely reduced to but a handful, just before He unfolded the divine plan for their deliverance, and crowned them with a glorious victory.

That Evangelical Party, of which the men of Virginia have always been the leaders, will yet revive. Its noble past will be developed into a glorious future. Its founders have not lived in vain. Their life-work will not be suffered to become a failure in consequence of any submissive lassitude, or indifference on the part of those who now occupy their places. These, their successors, God will arouse, in His own way, and by agencies which He will Himself provide. An encouraging old proverb says, "God buries His workmen (calls His laborers to their rest), but the work goes on." Aye, and it will go on to a happy consummation, in the

very field where these sainted fathers spent their strength and toil.

Yes, the old Evangelical Party will yet be revived. One who believes in that party, who considers it God's party, and therefore invincible, is confident that there may be heard a voice rising above the storm that has scattered it, saying: "Fear not, little flock, it is your Father's good pleasure to give you the kingdom." It is that voice which said, respecting His people of old, when the Red Sea was in front, and the Egyptians pressing on behind: "Speak unto the children of Israel, that they *go forward*." They obeyed, and the sea became as dry land before them. They were conducted safely through the wilderness to the promised land; and if they had formed no *entangling alliances* with Hittites, Hivites, and Girgashites, they would not have been driven from their forfeited inheritance, a "peeled and scattered people." In view of such an experience, how impressive becomes the solemn warning spoken by Isaiah: "Say ye not a confederacy to all them to whom this people shall say a confederacy;" and the equally solemn declaration of another prophet, "The men of thy confederacy have brought thee even to the border; the men that were at peace with thee have deceived thee, and prevailed against thee." The practical lesson for Christians of all ages is this: God will not approve or long tolerate any coalition in His Church that shall lead, directly or indirectly, to a compromise of truth or duty. And again: it is impossible for a Church so placed to deprive itself of the right, or divest itself of the responsibility of either reconstructing or relinquishing such coalition, when its results shall have become clearly manifest.

It is beginning to be said that the Evangelical Party, as an organization, may die out, and yet Evangelical principles survive and flourish. Let not my brethren be deluded by that syren song. If the millennium were upon us, it might be so; but Evangelical religion cannot long survive in a Church where it is invested by so many forms of organized opposition, unless itself be organized.

Gospel truth must soon be ground to powder between the upper and nether millstones, of the old semi-Romanism on the one hand, and the new semi-Rationalism on the other, unless protected by a bold, vigorous Evangelical Party. It must be one which understands its duty to God and man, and has courage to discharge it. To meet the emergency, also, it must be one which can look beneath the surface of existing institutions, and examine the fundamental principles which underlie them all.

If, eighteen months ago, a sentinel on one of the watch-towers of the Church had been asked what was then betokened by the outlook, his answer would probably have been about as encouraging, and not much more explicit than that which once constituted "the burden of Dumah." The response to your "Watchman, what of the night?" might have been after this fashion: "The night cometh, and also the morning. If ye will inquire, inquire ye." But now, if asked "what the signs of promise are," he could give a less perplexing answer. He could at least point to two phenomena in the ecclesiastical heavens, from which some men of hopeful minds derive encouragement.

The formation of a new church within the range of Protestant and Anglian Episcopacy has been, in some respects, like the appearance of a new planet in the sky. It at once attracts the attention of all observers. To some it is the occasion of perplexity and doubt. By others it is looked upon with interest and admiration. Some will insist that it is no planet at all, but only a wandering star, without a regular orbit, and without a place in the heavens. Others may at first speak slightly of it, as a mere "will-o'-the-wisp," a meteor which came suddenly, and will as suddenly pass away. Others, after earnest examination, pronounce it a comet, with an eccentric orbit, and not belonging to our system at all; while, awed by the influence of an ancient superstition, they utter lugubrious warning that comets bode no good to any man, but are always the harbingers of change and heralds of misfortune. And they insist, besides, that all history

proves that, when their tails are long, they betoken, if they do not actually produce, wars, pestilence and famine.

Without going into the merits or demerits of the so-called "Cummins movement" at all, it is entirely pertinent to speak of the effects which it has already produced, and is still likely to produce, upon the condition and prospects of our own Church. No candid observer will deny that it has stirred Episcopal society to its depths. There has been more earnest thinking and thorough inquiry among our laity respecting the nature, history, and constitutional relations of the Protestant Episcopal Church since that event than for a half century before. This I consider of inestimable value to the cause of Protestant freedom and Gospel truth, as well as a hopeful indication for the future. If so, surely some thanks ought to have been mingled with the vituperation which has been unsparingly poured out upon the authors of that somewhat remarkable proceeding.

Besides this quickened mental activity among the laity, which might well be considered a little dangerous to some of the Ecclesiastical traditions upon which the ruling party relies to perpetuate its sway over the popular mind, some think that another effect of the important event alluded to has become clearly manifest. Everybody heard that distinct, resonant, defiant proclamation of one of our best and ablest men, that he "will sooner lay his head upon the block" than ever use again certain language in the formularies of our Church. Why has he not been disciplined? Echo answers, "Why?" Some think that, a very short time ago, such a bugle-blast as that would have been deliberately "laying his head upon the block," sure enough; and would have been quickly followed by judicial decapitation. But if you ask, again, "Why is it not so *now*?" you must still be content to take an echo for an answer. In the meantime, it is said that, emboldened by this example, some fifty or sixty others are quietly making the same significant omissions. The case becomes still more striking when we learn that the rejected phrases are the very same which

the independent Diocese of Virginia lately pleaded so hard to be graciously permitted to leave out!

A dear friend of yours and mine (who is not, however, a very extravagant admirer of this new Church) said, in my hearing, that it would certainly be a good thing, in case Evangelical men should be so hardly pressed on the deck of the old ship that they are obliged to jump overboard, to have a commodious *raft* lying alongside, that might keep them out of the water. Some think that such facts as those to which I have referred indicate a change of policy on the part of the powers that be, which is intended to keep the aforesaid "raft" from being as rapidly boarded as it might otherwise have been. The stern discipline, so common a short time since, has been wisely relaxed in our behalf, and in various quarters there are encouraging indications of a revival of catholicity and common sense, that may, at no distant day, abolish it altogether. But while we rejoice in the confession that "*Deus nobis hæc otia fecit*," surely some thanks are due to the human agency by which our blessings are produced.

Let me ask you to note another phenomenon, and then tell me whether I am mistaken in supposing that there is an encouraging significance about it. As the eye wanders over the battle-field (for it has long been such) of the Protestant Episcopal Church, the survey will present many things that are calculated to dishearten the most hopeful. The little army that was led by such men as I have already named has indeed been discomfited at every point, and is, to all appearance, completely vanquished. Far-sighted strategy, and a party-drill which has never been surpassed, have proved too much for it. An able and willing eulogist of the policy which has triumphed has written "*The Rise and Fall of the Evangelical Party in the Protestant Episcopal Church*." But that shout of triumph may yet turn out to have been premature.* At least I hope so.

* If I am not mistaken, he *predicted* that no more Evangelical bishops would be consecrated. Since then, however, there have been three elected; while two of the other sort have been rejected.

He who surveys this field of conflict and disaster with a soldier's eye, will have his attention attracted by another remarkable fact. The great Commander, who, unseen, controls all events connected with His cause and people, is silently, and without design on their part, massing our Evangelical forces in *the centre* of the field. See how they are being formed into a compact phalanx there. Note, too, how they unconsciously rally around "Old Virginia," as if seeking the shelter of her honored name, and preparing for her leadership in some new and as yet undeveloped movement, to retrieve the fortunes of the day. Kentucky, the two Ohios, two Pennsylvanias, and Delaware, with Kansas and Iowa, not far off. Alas, they, with the addition of Rhode Island, contain the broken remnants of our entire Evangelical Episcopate; some seven or eight, out of fifty dioceses. I have an impression that there is meaning in all this, which the not distant future will make plain. These eight diocesan churches, placed in juxtaposition (both geographical and doctrinal), must ever sustain peculiar relations to each other. The central ground which they occupy commands the field, while it gives them the key to the position. If in any future conflict they shall act together, they may do much to mould the American Episcopal Church, and ultimately the entire Anglican Communion. Divided and independent, they will still be strong in the power of the Gospel; but united, they may do much to give tone to Episcopal Christianity everywhere.

What I have just suggested will be regarded by some as an enthusiast's dream; but it is one which may become real sooner than we think. However this shall be, it is certain that the structure of a divinely-constituted diocesan Episcopacy, and the Scriptural limitations of any federal economy in the Church, will be better understood when they shall be made visible in a prosperous and united diocese like Virginia; true to herself, as God originally made her, and yet true to any extra-diocesan connections which she herself created, and which she is, of divine right, entitled (within her own limits) to command.

The more I think of it, the more I am impressed with the conviction that, if Virginia would save herself and all that she holds dear at home, she must lead the way in a movement to vindicate the Constitution and redeem the Church. Yes, she can and will nobly resist that flood of false doctrine and corrupt practice which threatens to inundate us all. She will protect herself, and those of whose spiritual destiny she is the appointed guardian, against that appalling deluge, by the strong, granite-like embankments of a strictly constitutional, and yet sternly diocesan legislation.

But if not—if she fail to recognize the hour of her opportunity—then alas for Virginia! Soon it will be too late. Her glorious traditions will have departed from her; her children, so long given up to be governed by laws and trained by educating processes over which she has had no control, will learn, as others have done, to despise the simple faith and modest ritual of their fathers. *Virginia Churchmanship*, which, with its marked Evangelical and Protestant characteristics, had, under the auspices of such men as Meade, and Sparrow, and Johns, and others, matured into a distinct and honored institution in the land, and which might have been admirably symbolized by the Psalmist's "tree planted by rivers of water," will then be more aptly represented by another tree, which the most charming of Latin poets has so beautifully described. It is one which, having been unconsciously *inoculated with a new and strange life*, presently becomes astonished at finding itself covered with foreign foliage and unfamiliar fruit. The classic bard thus strikingly exhibits the results of that subtle and marvelous transformation. The scholars of Virginia will appreciate its beauty. The theologians of Virginia will understand its application:—

* * * "nec longum tempus, et ingens
Exiit ad cælum ramis felicibus arbos
Miraturque novas frondes et non sua poma."

But Virginia will not be caught in such a snare as that. She will arrest the insidious process while she can. She will save

herself and those dependent on her from the threatened ruin by a timely reassertion of her prerogative, as the God-appointed guardian, ruler and guide of her own children, who are likewise His covenant people. Her solemn sacramental oath binds her to it, and she will not consent to become perjured at the altar. Let the infatuated Hindoo, maddened by the delusions of heathenism, cast her infant into the Ganges, to be devoured by crocodiles; but, oh, let not the spiritual mother of such a race, under the delusion of a strange Ecclesiastical superstition, consign her own offspring to enemies which are far more to be dreaded, because they bring death, not to the body, but the soul.

G. W. R.

POSTSCRIPT.

If I could have pleased myself in the manner of doing it, I should have been glad to dedicate this little work to my venerable friend, Bishop Johns, and his respected associate in office. But it is one of those things which had better not be done at all if it cannot be done acceptably; and I felt doubtful whether it might not be deemed presumptuous in me to tender to those fathers so humble a tribute of respect. They are the appointed guides and guardians of Virginia Episcopacy, and, in connection with their honored predecessors in that high position, its truest exponents.

I cannot forbear to say, in this connection, that, in my opinion, there are no two men in the entire Episcopate on whose action, at the present time, so much depends. At least, so it seems to me. My opinion has not been formed hastily. The principles involved have been with me a subject of anxious, and, I may be permitted to add, prayerful consideration for years. I am convinced, also, that, in connection with those principles, Providence has, at this important juncture, placed in the hands of these two eminent persons a power which, as far as my knowledge goes, has never before been confided to any members of the Anglican Episcopate. It is a power which, if rightly used, will enable them, not to form a new Church indeed, but, what is far better, to reform an old one. Not suddenly; not in a day, or a year. We old men will not live to see the consummation. It may all take place, however, before the younger of these two bishops shall be called home to glory.

If the leading principle embodied in these communications be sound, they are the men by whom it can most safely be brought

into prominence before the Church, and consecrated (when most needed) to the service of the Gospel. If the methods here proposed be wise and suitable, these fathers can most successfully develop them. If they, under a solemn sense of their responsibility, as bishops in a Protestant Church whose dominant majority is so evidently determined to unprotestantize it, and knowing, also, that their own diocese is certain to be carried away by the prevailing madness, should decide to lead the only counteracting movement (within the Constitution) which is *sure of success*, the Virginia Church would, I believe, sustain them to a man; and where Virginia leads the way, other dioceses must in due time follow; for she is the mother, and (if true to her traditions), in a high sense, mistress of them all.

After these letters were all in type, and almost ready to be committed to the mails for circulation, the sad intelligence came over the wires that Bishop Johns is dead. A feeling of solemnity overshadows the writer as he notes that the preface to his book commences with an allusion to the death of one valued friend, and now its postscript closes with a reference to that of another. Upon these two able men he had relied much to give shape and a wise practicable solution to the important problem which he has ventured to propose for consideration. But our Divine Master sometimes cuts down earthly props, that we may lean more entirely upon Him. And to His care and wise control, who has the hearts of all men in His hand, that problem is now prayerfully committed.

He only adds one word of deepest sympathy to a weeping family and bereaved diocese; affectionately pointing them to that cheering assurance, as true now as when it was first written, that "He hath done all things well"—well for them, well for us, and well for His own great cause.

APPENDIX A.

[SEE PAGE 39.]

In order that this discussion may be conducted fairly, I have placed in this Appendix the Constitution in which the dioceses are supposed by some to have denuded themselves of their divine autonomy. To some it may be a convenience to have it; for many who talk freely on these subjects, and have fixed opinions respecting them, have never seen it in their lives. Others will be pleased to have it, because, on examination, they may be inclined to consider it a curiosity in legislative literature. All Episcopalians, certainly, ought to be in possession of it; and whatever may be thought of any criticisms which have been hazarded, the document itself cannot but add to the value of this pamphlet.

The copy from which I publish is one issued in connection with the Journal of the General Convention of 1871, and therefore should be authentic.

CONSTITUTION.

ADOPTED IN GENERAL CONVENTION, IN PHILADELPHIA, OCTOBER, 1789.

ARTICLE I.

There shall be a General Convention of the Protestant Episcopal Church in the United States of America, on the first Wednesday in October, in every third year, from the year of our Lord one thousand eight hundred and forty-one, and in such place as shall be determined by the Convention; and in case there shall be an epidemic disease, or any other good cause to render it necessary to alter the place fixed on for any such meeting of the

Convention, the Presiding Bishop shall have it in his power to appoint another convenient place (as near as may be to the place so fixed on) for the holding of such Convention: and special meetings may be called at other times, in the manner hereafter to be provided for; and this Church, in a majority of the Dioceses which shall have adopted this Constitution, shall be represented, before they shall proceed to business, except that the representation from two Dioceses shall be sufficient to adjourn; and in all business of the Convention freedom of debate shall be allowed.

ARTICLE II.

The Church in each Diocese shall be entitled to a representation of both the Clergy and the Laity. Such representation shall consist of not more than four Clergymen and four Laymen, communicants in this Church, residents in the Diocese, and chosen in the manner prescribed by the Convention thereof; and in all questions when required by the Clerical or Lay representation from any Diocese, each Order shall have one vote; and the majority of suffrages by Dioceses shall be conclusive in each Order, provided such majority comprehend a majority of the Dioceses represented in that Order. The concurrence of both Orders shall be necessary to constitute a vote of the Convention. If the Convention of any Diocese should neglect or decline to appoint Clerical Deputies, or if they should neglect or decline to appoint Lay Deputies, or if any of those of either Order appointed should neglect to attend, or be prevented by sickness or any other accident, such Diocese shall nevertheless be considered as duly represented by such Deputy or Deputies as may attend, whether Lay or Clerical. And if, through the neglect of the Convention of any of the churches which shall have adopted or may hereafter adopt this Constitution, no Deputies, either Lay or Clerical, should attend at any General Convention, the Church in such Diocese shall nevertheless be bound by the acts of such Convention.

ARTICLE III.

The Bishops of this Church, when there shall be three or more, shall, whenever General Conventions are held, form a separate House, with a right to originate and propose acts for the concur-

rence of the House of Deputies composed of Clergy and Laity; and when any proposed act shall have passed the House of Deputies, the same shall be transmitted to the House of Bishops, who shall have a negative thereupon; and all acts of the Convention shall be authenticated by both Houses. And in all cases the House of Bishops shall signify to the Convention their approbation or disapprobation (the latter with their reasons in writing) within three days after the proposed act shall have been reported to them for concurrence; and in failure thereof, it shall have the operation of a law. But until there shall be three or more Bishops, as aforesaid, any Bishop attending a General Convention shall be a member *ex officio*, and shall vote with the Clerical Deputies of the Diocese to which he belongs; and a Bishop shall then preside.

ARTICLE IV.

The Bishop or Bishops in every Diocese shall be chosen agreeably to such rules as shall be fixed by the Convention of that Diocese; and every Bishop of this Church shall confine the exercise of his Episcopal Office to his proper Diocese, unless requested to ordain, or confirm, or perform any other act of the Episcopal Office, by any church destitute of a Bishop.

ARTICLE V.

A Protestant Episcopal church in any of the United States, or any Territory thereof, not now represented, may, at any time hereafter, be admitted on acceding to this Constitution; and a new Diocese, to be formed from one or more existing Dioceses, may be admitted under the following restrictions, viz.:—

No new Diocese shall be formed or erected within the limits of any other Diocese, nor shall any Diocese be formed by the junction of two or more Dioceses, or parts of Dioceses, unless with the consent of the Bishop and Convention of each of the Dioceses concerned, as well as the General Convention, and such consent shall not be given by the General Convention until it has satisfactory assurance of a suitable provision for the support of the Episcopate in the contemplated new Diocese.

No such new Diocese shall be formed which shall contain less than six Parishes, or less than six Presbyters, who have been for at least one year canonically resident within the bounds of such

new Diocese, regularly settled in a Parish or Congregation, and qualified to vote for a Bishop. Nor shall such new Diocese be formed if thereby any existing Diocese shall be so reduced as to contain less than twelve Parishes, or less than twelve Presbyters who have been residing therein, and settled, and qualified as above mentioned: *Provided*, that no city shall form more than one Diocese.

In case one Diocese shall be divided into two or more Dioceses, the Diocesan of the Diocese divided may elect the one to which he will be attached, and shall thereupon become the Diocesan thereof; and the Assistant Bishop, if there be one, may elect the one to which he will be attached; and if it be not the one elected by the Bishop, he shall be the Diocesan thereof.

Whenever the division of a Diocese into two or more Dioceses shall be ratified by the General Convention, each of the Dioceses shall be subject to the Constitution and Canons of the Diocese so divided, except as local circumstances may prevent, until the same may be altered in either Diocese by the Convention thereof. And whenever a Diocese shall be formed out of two or more existing Dioceses, the new Diocese shall be subject to the Constitution and Canons of that one of the said existing Dioceses to which the greater number of Clergymen shall have belonged prior to the erection of such new Diocese, until the same may be altered by the Convention of the new Diocese.

ARTICLE VI.

The mode of trying Bishops shall be provided by the General Convention. The Court appointed for that purpose shall be composed of Bishops only. In every Diocese, the mode of trying Presbyters and Deacons may be instituted by the Convention of the Diocese. None but a Bishop shall pronounce sentence of admonition, suspension, or degradation from the Ministry, on any Clergyman, whether Bishop, Presbyter, or Deacon.

ARTICLE VII.

No person shall be admitted to Holy Orders until he shall have been examined by the Bishop, and by two Presbyters, and shall have exhibited such testimonials and other requisites as the Canons, in that case provided, may direct. Nor shall any person

be ordained until he shall have subscribed the following declaration:—

I do believe the Holy Scriptures of the Old and New Testament to be the Word of God, and to contain all things necessary to salvation; and I do solemnly engage to conform to the *Doctrines and Worship* of the Protestant Episcopal Church in the United States.

No person ordained by a foreign Bishop shall be permitted to officiate as a Minister of this Church until he shall have complied with the Canon or Canons in that case provided, and have also subscribed the aforesaid Declaration.

ARTICLE VIII.

A Book of Common Prayer, Administration of the Sacraments, and other Rites and Ceremonies of the Church, Articles of Religion, and a Form and Manner of making, ordaining, and consecrating Bishops, Priests, and Deacons, when established by this or a future General Convention, shall be used in the Protestant Episcopal Church in those Dioceses which shall have adopted this Constitution. No alteration or addition shall be made in the Book of Common Prayer, or other Offices of the Church, or the Articles of Religion, unless the same shall be proposed in one General Convention, and by a resolve thereof *made known* to the Convention of every Diocese, and adopted at the subsequent General Convention.

ARTICLE IX.

This Constitution shall be unalterable, unless in General Convention, by the Church, in a majority of the Dioceses which may have adopted the same; and all alterations shall be first proposed in one General Convention, and *made known* to the several Diocesan Conventions, before they shall be finally agreed to, or ratified, in the ensuing General Convention.

ARTICLE X.

Bishops for foreign countries, on due application therefrom, may be consecrated, with the approbation of the Bishops of this Church, or a majority of them, signified to the Presiding Bishop; he thereupon taking order for the same, and they being satisfied that the person designated for the office has been duly chosen,

and properly qualified: the Order of Consecration to be conformed, as nearly as may be, in the judgment of the Bishops, to the one used in this Church. Such Bishops, so consecrated, shall not be eligible to the Office of Diocesan, or Assistant Bishop, in any Diocese in the United States, nor be entitled to a seat in the House of Bishops, nor exercise any Episcopal authority in said States.

Done in the General Convention of the Bishops, Clergy, and Laity of the Church, the 2d day of October, 1789.

NOTE.—When the Constitution was originally adopted, in August, 1789, the first Article provided that the triennial Convention should be held on the first Tuesday in August. At the adjourned meeting of the Convention, held in October of the same year, it was provided that the second Tuesday in September, in every third year, should be the time of meeting. The time was again changed to the third Tuesday in May, by the General Convention of 1804.—See Bioren's edition of the Journals of the General Convention, 1817, pp. 61, 75, and 216.

The first Article was put into its present form at the General Convention of 1841.

The second Article was put into its present form at the General Convention of 1856.

The third Article was so altered by the General Convention of 1808 as to give the House of Bishops a full veto upon the proceedings of the other House.—See Journals of General Convention, pp. 248, 249.

The fifth Article was put into its present form at the General Convention of 1871.

The sixth Article was put into its present form at the General Convention of 1841.

The second sentence of the eighth Article was adopted at the General Convention of 1811.—See Journals of General Convention, p. 274.

The words "or the Articles of Religion" were added to the eighth Article by the General Convention of 1829.

The tenth Article was finally agreed to, and ratified, in the General Convention of 1844.

The Convention of 1838 adopted the following alterations—see Journal of General Convention, p. 24—to wit:

Striking out the word "States" wherever it occurred in the first and second Articles, except where it followed the word "United" in the first part of the first Article, and inserting in lieu of the word "States" the word "Dioceses." Striking out the word "States" wherever it occurred in the second, third and fourth Articles, and inserting in lieu thereof the word "Dioceses."

Striking out the words "or district" in the fourth Article.

Striking out the word "State" in the sixth Article, and inserting the word "Diocese."

Striking out the word "States" in the eighth Article, and inserting the word "Dioceses;" and in the eighth Article striking out the words "or State" after the words "every Diocese."

Striking out the word "States" in the ninth Article, and inserting the word "Dioceses." Striking out the word "State" in the ninth Article, and inserting the word "Diocesan."

APPENDIX B.

[SEE PAGE 51.]

In the body of this little book I have endeavored to present a fair analysis of the work of that venerable assembly which was convened in the year 1789, for the purpose of preparing the system of fundamental law by which all our subsequent Conventions were to be governed. It has since occurred to me, however, that an honest and earnest inquirer in a region of thought which, in some of its departments, still remains to be explored, can scarcely do justice to such a theme without tracing it still higher, so as, if possible, to get nearer yet to the original sources of authority in the Church. To such a one, the question will be very naturally suggested, "Was that constitutional assembly unlimited in its powers? Convened to lay down a law for others, was itself without law or limitations?" I am sure that but one answer will be given to such a question. Commissioners from the dioceses respectively, their authority was limited by the action of those dioceses. But was that action itself unlimited? Could a diocese have authorized and instructed its commissioners to propose and act upon any subject whatever, in which it or they might have been interested at the time? Certainly not; for the same reason that a meeting called to consider the interest of Sunday-schools, or the circulation of the Scriptures, could not properly entertain a question about temperance or the tariff, or anything foreign to the proposed object of the meeting. We must look to the *call* or *letter-missive*, by which its members were convoked, to ascertain the basis and proper boundaries of their action. On consulting

the Journal of that memorable Convention, as furnished to our hand by Dr. Perry, we find that call to have been the following. Let us examine it carefully, but without any undue or merely technical precision; remembering, however, that if the action of the constitutional assembly itself, which it was intended to call into existence, should, to any extent, go beyond the limitation which it fairly expresses, to that extent, such action may be invalid, and, when judicially interrogated, perhaps become inoperative. The entry upon the Journal is as follows:—

“The deputies from the several States being called upon to *declare their powers* relative to the following resolution of the Church, viz.—‘*Resolved*, That it be recommended to the Conventions of the Church, in the several States represented in this Convention, that they authorize and empower their deputies to the next General Convention, after we shall have obtained a Bishop or Bishops in our Church, to *confer on and ratify a General Constitution*, respecting both the *doctrine and discipline* of the Protestant Episcopal Church of the United States of America’—gave information that they came fully authorized to *ratify a Book of Common Prayer*, &c., for the use of the Church.”

Upon the surface of this important but very vague record the following facts appear:—

1. The Convention which framed the General Constitution of the Church considered itself as deriving all its authority from the Conventions of the several dioceses.
2. So far as this record gives information on the subject, the commissioners from the several dioceses were not required to produce written credentials of any kind respecting their powers. Each man, for himself, was called upon to “declare” what powers he possessed. For aught that appears here, he, and not the Convention, was the judge of the nature and limits of his authority.
3. The object here placed before them was “a General Constitution.” Whether that Constitution was to be the basis of a *government*, or a mere “alliance,” is not stated. Information on that point must be sought elsewhere. The fact that two out of three

of the co-ordinate departments of authority have been carefully withheld, will be found difficult of explanation on the part of those who point to it as intended to lay the foundations of a central sovereignty.

4. But what are the subjects upon which it was authorized to act? They are two: first, Doctrine; second, Discipline. Now, the Articles and Homilies are our standards of doctrine, and the Canons constitute our book of discipline. Whether a book of devotion can be considered as coming strictly under either of these heads, may, perhaps, be doubted.

5. And what are the limitations of their action on those subjects? Are they empowered to create or enact the proposed Constitution? The letter-missive, by which they were called together, does not say so. The words "confer on" and "ratify" designate, if they do not define, their powers.

6. When the members of that Convention were formally called upon "to declare their powers," those venerable men appear to have been extremely guarded in what they did say, and not a little reticent in what they did not say. In responding to that vital question upon which everything else depends, they declared that they were authorized by their constituents to "*ratify a Prayer-book, &c.*" It will be noticed, however, that this claim is not perfectly in harmony with the language of the original call, for that speaks only of a "General Constitution relative to doctrine and discipline," and says nothing about "worship." And even if the latter had been specifically included, it might well be doubted whether authority on their part to "ratify" a Prayer-book could properly entitle them to empower subsequent Conventions to "establish" one. Men may establish what they do themselves; but, as Dr. Hawks justly remarks, they "ratify" what has been done by others. And if these commissioners had themselves only a power to "ratify," how could they transmit to their successors authority to "establish"? These remarks are intended to suggest inquiry.

There is another aspect of this subject which I have been several times before tempted to present, but was deterred by a fear of disturbing the gravity of my readers. We have now left the body of our little work, however, and as this is only an appendix, perhaps more freedom of expression may be allowed. I do not hold, with some, that "ridicule is the test of truth;" but should an opinion be in itself ludicrous, whose fault is it, if, when presented as it really is, it should occasion a smile?

Everybody remembers how delightfully the Church was puzzled, some three or four years ago, by a celebrated "Episcopal Declaration." It was certainly a remarkable document. I only allude to it here, however, for the purpose of remarking how often an earnest Episcopalian, inquiring into the more difficult, and, perhaps, dangerous problems of his Church, finds himself stopped by something in the shape of a "declaration." We have an instance now before us. It would appear, from the extract quoted from the Journal of 1789, that our whole federal organization must have been founded upon a *declaration*. Not an Episcopal one, however, as those who dread being puzzled have, perhaps, reason to be thankful; for, in that case, it might have been so deep that we should never be able to get to the bottom of it. No, it was simply from a company of presbyters and laymen, and may, therefore, not be too deep for us to touch bottom in it presently.

Having seen, by an extract from their Journal, that the proceedings of the Convention of 1789 were introduced by calling upon the members "to *declare* their powers," we ask what *did* they declare? They declared themselves possessed of two classes of powers. One of these they express in words, which we have examined. For the other, we have nothing but a mysterious gyration of the recording quill, in this shape: "&c." Take that out of the record, and the whole federal power of the Church goes with it!

Let us look a little into this certainly strange thing under the

sun. If we institute an examination into the capacity of that Convention to perform the most important act that ever has taken place in our Church (viz.: that by which our general organization was called into existence), we must look for it where they themselves have placed it, in the "declaration" of its individual members. And then, to our astonishment, we find that all it has to show for itself is this mighty, though somewhat mysterious chirographical evolution. And are we really to be told that the whole of that vast extra-diocesan legislation, which seems now to consider itself authorized to cover everything and rule everybody, has come from that singular source? Is that the *fons et origo* of all federal authority with us? Do we really find there the fountain from which has flowed that mighty deluge that now sweeps everything before it, and by which the humble petition of even such a diocese as Virginia was lately tossed out of the House of Deputies, as if it were lighter than a feather?

We ask what powers beyond that of *ratifying* a Prayer-book were conferred upon the delegates to that Constitutional Convention by the constituent assemblies of the Church, and the only answer that we get comes to us in the shape of that enigmatical, but irresistible, "&c." We interrogate the original record, to ascertain the constitutional foundations of our system of canon law, and we find that the corner-stone of this stupendous fabric was laid by that potent flourish of Mr. Secretary's quill, "&c." We beg to be informed respecting the origin of the government under which we live, and we are both amused and mystified by a clear-cut eaper of clerical calligraphy from Francis Hopkinson, Esq. Mr. Hopkinson was an eminent man in his day, deservedly honored by all who knew him. He was distinguished as a lawyer and statesman, and was, withal, if I mistake not, one of the signers of the Declaration of Independence. He was a man of wit, too, and more than once set the whole nation laughing by his fine effusions of popular and patriotic poetry; among them, the celebrated "*Battle of the Kegs.*" But, verily, I think there was

more genuine, though grave, irony in this magnificent “&c.” than in anything else that ever appeared from his pen. The one caused many a patriot of the olden time to split his sides with laughter; the other must have been furtively sprinkled with a little Attic salt at the beginning, which will yet have its effect upon the risible faculties of mankind. The former kept his own generation in a roar; the latter was evidently intended for the amusement of posterity. The bishops may receive it gravely, some of them, perhaps, gladly; but I think the judges of the land will be amused by it. If the subject shall ever be brought into court, and a conflict between Lawn and Ermine arise in consequence, I give warning that even the learned and traditional dignity of the Bench* may (if not on its guard) be in peril of committing public cachinnation.

But while all this may have been a joke for some, it has proved a serious matter for others. The dioceses may say, as did the frogs in the fable to the boys who were stoning them: “It may be fun for you, but it is death to us.” You will think it impossible, perhaps, and indignantly deny that our whole federal power came into existence through that potent gambol of a facetious secretary’s pen. I need not assert it in words, but I have given you an extract from the Journal of that first Constitutional Convention, and asked you to examine for yourself. You are as capable of doing it as I am. Take that grand “&c.” out of the declaration of powers there recorded, and what remains? It seems to me the whole Protestant Episcopal Church in the United States (outside the dioceses) goes with it. There will be then left authority to “ratify a Prayer-book,” and absolutely nothing else! No hocus-pocus of a conjurer, nor wave of a magician’s wand,

*In some countries, this official solemnity is considered so important an element in the administration of justice, that the judges used to put on gowns, and wear big wigs, the better to keep up appearances before the world. Have these learned gentlemen taken a lesson from the still more venerable occupants of another “Bench”? Oh, it would be laughable, if it were not lamentable, to see how society (both in Church and State) is first gulled, then governed by shams and shoddy!

ever produced a more sudden transformation. Up to that time all power was with the dioceses; but the moment this dashy chirographical achievement had been performed, presto!—what a change! As if by magic, diocesan authority is swept into annihilation at once, and a federal power arises for which no parallel can be found in the annals of Protestant Christianity!

I admit that it does seem strange that the huge imperial incubus which has crushed the life out of the dioceses, and (without challenge from any quarter) is now pressing like a nightmare upon our entire communion, has actually nothing to show for itself in the Journal of the very Convention upon which must depend its right to live at all, but—what? Not a sentence, not a line, not a word, scarcely a letter of the alphabet! Its whole existence—aye, its very *raison d'être*—has been made to depend upon a sort of hieroglyphic, which, under the circumstances, Champollion himself would be excusable for not being able to decipher with precision.*

It does, indeed, appear almost ludicrous, that our entire federal organization — Constitution, Convention, House of Deputies, House of Bishops, that protuberant Canon law, and all—should have crept into the Church through such an odd, little “hole in the wall” as that. Why, it seems hardly big enough for a church-mouse to squeeze through. When a boy, you doubtless read and pondered Æsop’s wise story about the mountain being in labor and bringing forth a mouse. But here we have the old wonder reversed: a mouse labors, and a mountain is brought forth; aye, two of them. Pelion piled on Ossa.

* If the Federal theorists of the Church could be persuaded to look at the rock from which they were hewn, and into the hole of the pit out of which they were dugged, they might be the wiser for it.

APPENDIX C.

[SEE PAGE 69.]

The following contribution to the columns of the old "Episcopal Recorder" appeared many years ago. There is, probably, no longer a copy of it in existence. I reproduce it because it will serve to show that the leading thought of the preceding communications is not an old man's dream, but the deliberate opinion of one who had considered the subject carefully in the strength and meridian of his days. Its first appearance was, perhaps, premature. I trust that the Church is now better prepared for it.

(For The Episcopal Recorder.)

FEDERAL POWERS.

MR. EDITOR:—Two articles under the above heading have appeared from my pen, in the columns of the "Episcopal Recorder." I have reason to believe that they have not been without effect, so far as their design was to attract some of our leading and most thoughtful minds to a consideration of the subject which they present. It is one of vital moment, and the principles involved are fundamental; they merit the careful and candid consideration of all Episcopalians, and especially of those who have been called upon to represent the Church in her next General Convention. I would respectfully solicit their attention to what has been thus imperfectly suggested. I am sure that there are many of them who can explore this subject much more successfully than I. It is understood that a strong effort will be made by certain gentlemen learned in the law to carry forward that *federal* authority which has, of late, so effectually subordinated to itself all *diocesan* power to a position far in advance of any that it has hitherto occupied. It is to be extended beyond the province of legislation, and called to take upon itself supreme control in the judicial department of the Church.

I would entreat my brethren who have been honored with the

confidence of the Episcopal community so far as to have these great interests confided to them, to consider the questions which I have started, carefully, and with a wise reference to the first principles of our Communion. Is it, or is it not a fact that the Diocese is the true development of the Episcopal principle? That it constitutes (with its "apostle, elders and brethren") a complete Church; and, indeed, the only complete church for us? That upon this organization did the great Founder of the Church confer the powers of government? That to take these powers away from such primitive organization and transfer them to some contrivance in the shape of a confederacy, is to violate one of the primary conditions of a true primitive Episcopacy? Is it true, as I have said elsewhere, that "a confederacy of churches is in no proper sense a Church; and, therefore, that government by such a confederacy is not government by a Church, but by something that is not a Church?" Is it, or is it not true that "delegated powers cannot be delegated;" and, therefore, that authority which was originally confided by the Head of the Church to a diocese cannot be transferred by the diocese to any representative body, however wisely constituted, which is not strictly diocesan in its character.

Is the maxim "*ecclesia in episcopo*" in some important sense a true maxim, at least, so far as to require that a bishop should be found at the head of every Episcopal Church? Then, is not he who claims that the different dioceses in the United States constitute but one Church, bound to contend for the appointment of an Archbishop, to be placed at its head? If he be a true Episcopalian, I do not see how he can hold any other doctrine. But if he regard the General Convention as only a confederacy of distinct and independent churches, then he escapes the necessity of advocating any supreme episcopate. Nay, sir, I am prepared to advance a step further in the direction of this argument, and to say that if I believed in the existence of a *universal Church* as an outward and visible organization, then loyalty to the fundamental principle of Episcopacy would constrain me to demand that there should be a *universal bishop* placed at its head. This is the very process that has conducted many an honest and earnest minded High-Churchman into the Romish obedience. Such a result is a logical necessity from the hypothesis of a *visible Universal Church*, and the only way of escaping from it is

to throw ourselves back upon that doctrine of simple primitive Episcopacy that the *Diocese* is the matured and ultimate development of true church life, and everything above or beyond that is unprimitive, unscriptural, and spurious.

Perhaps few intelligent minds will consider this subject in its various bearings and relations, without coming to the conclusion that it involves the main principle of the papal controversy. What is that principle? *Is it not that of extra-diocesan supremacy!* God has constituted the Diocese a complete Church; one which embodies all the elements of a primitive ecclesiastical organization in their most perfect form. On this he has chosen to confer all power. In the course of ages, stimulated by human ambition and aided by human policy, a government *ab extra* rises up to view. It is the Papacy in its first manifestation. There were indeed five Popes then, instead of one. Men called them "Patriarchs." They were the Bishops of five of the largest and most influential Dioceses; those of Rome, Alexandria, Constantinople, Jerusalem, and, I think, Antioch. Presently one of them rose above the rest, "proudly pre-eminent," and made himself "the Pope." He "grasped a sceptre, and put on a triple crown; and the soft whispers of "papa," which fell in filial accents upon his ear from surrounding provinces and kingdoms, were promptly answered in thunder from the Vatican, which shook an enslaved and astonished world.

Now, Messrs. Editors, is not this history instructive? Does it not address itself directly to the point before us? What were the beginnings of this nearly boundless usurpation? What was the first almost imperceptible departure from the divinely instituted polity by which it was all produced? Let any student of Church history say whether I have not pointed it out correctly. Was it not the infraction of that organic law of *diocesan* supremacy which the Saviour had impressed upon his kingdom, and the dangerous recognition of a government *ab extra*? Surely it can be no objection, in the eyes of a Churchman, that this foreign *extra-mural* power is Episcopal in its form, as in the Church of Rome. Surely it can be no recommendation that it puts on a Presbyterian aspect and assumes the form of Parity, as with us. No; the real difficulty is that the crown is taken from the head of the diocese, where the hand of God had placed it, and conferred upon something else that is not in any sense a Church; something which

ignores that favorite doctrine of Episcopalians, "*ecclesia in episcopo*." How can Churchmen, and especially High-Churchmen, give themselves up, so readily as we have done, to such a delusion as this? Their favorite dogma is the one which I have just quoted. It is their motto, the groundwork of their Church system, the guide both of their deliberations and their policy. Without this "*ecclesia in episcopo*" doctrine in its more exclusive form they cannot be High-Churchmen: Without it in its milder and more catholic manifestation they cannot be Churchmen at all. And yet Episcopalians of all grades have for years past united in a series of proceedings by which all legislative power has been gradually taken from the diocese, in which this doctrine dwells as a presiding element, and conferred upon a great presbyterian assembly (I must call it so), in which no episcopal authority is permitted to preside. It is in vain and utterly fallacious to say, in reply to all this, that the Saviour himself, the Great Bishop, stands at the head of our (so-called) General Church; and therefore that a real *bona fide* episcopate, clothed in flesh and blood, is needless there. Such was actually the reply made to this reasoning a short time since, by one whose suggestions on any subject with which he is familiar must always command respect. But before such a proposition is admitted it had better be examined. There is that about it which, in the hands of a logician, may be wielded with fatal effect against the whole doctrine of episcopacy. Thus: If the presence of the Great Bishop, (the "Bishop of Souls" as he is sometimes called) does away with the obligations of episcopacy in the General Church, it must have the same effect in the respective dioceses; but it will not be denied that they also, and in an equal degree, enjoy His covenant presence. They need no human episcopate then, since they are blessed with the divine. Nay, any such would be a profanity and a usurpation. This is just what the Presbyterians say. Are Episcopalians prepared to accept their views?

CATHOLICUS.

In connection with the above, it is deemed proper to present the following extract from the Journal of the House of Deputies of the General Convention of 1853, as showing how one aspect of the same subject was subsequently disposed of there. It seems to have slumbered for years afterwards.

The Rev. Mr. Ridgely offered the following resolutions:—

“*Resolved*, That in every Community which, by the structure of its constitution, is divided into different orders, all of these orders should be represented in each of the departments of its government, legislative executive and judicial.

“*Resolved*, That the Joint Committee of the two Houses to whom the subject of a Court of Appeals has been referred be requested to inquire into the expediency of so constituting such a Court as to embody the principle of the above resolution.

“Mr. Ridgely moved that these resolutions be referred to the Joint Committee on the Judicial System of the Church.

“The delegation from Alabama moved that the motion for reference be laid on the table.

“The president put the question upon laying on the table, and the motion was lost.

“The question then recurred upon Mr. Ridgely’s motion to refer, which was adopted.”—*Journal of House of Deputies for 1853, p. 65.*

At the time that the above resolutions were offered, two plans for the construction of a Court of Appeals were attracting attention. According to one, originating with a distinguished member of the upper House, it was to be composed exclusively of Bishops. According to another, suggested by a respectable lay delegate (and lawyer) of the lower House, it was to be constituted of Bishops and “gentlemen learned in the law.” The mover of these resolutions, and those who thought with him, felt that to put under the ban of deliberate constitutional exclusion the entire presbytery of the Church (the great body of her working clergy, in other words), as well as almost her entire laity, would be at variance with the genius of all our other institutions, as well as the plainest principles of political justice.

In support of the resolutions it was argued that the principle which they present has been long ago sanctioned and settled by being embodied in the other arrangements of the Church. In the dioceses the legislative authority is confided to a Convention composed of bishop, presbyters and laymen. The executive authority is also usually tripartite, being the bishop and standing committee. It was urged that if the principle be a sound one, consistency requires that it should be carried into the judiciary also, as, indeed, it had been in some of the dioceses. The whole subject of a tribunal of appellate jurisdiction that should over-

shadow the diocesan courts, has been found, whenever touched, to be invested with insuperable difficulties. The old Anglo-Saxon love of local independence may yield to dire necessity in the State, but no such has arisen in the Church, nor ever can. The thing is impossible.

The writer alludes to the subject here for a special reason. He desires to record an earnest hope, which has been strengthened by time and careful observation, that no such calamity as an extra-diocesan judiciary will ever be permitted to fall upon the American Church. Our feeble dioceses have scarcely life enough left in them now to assert their own existence in the presence of a resistless and overwhelming, but as I conceive, to a great extent unconstitutional federal power. If that event should ever take place (I am thankful to consider it impossible), then diocesan, that is to say Scriptural, or in other words Protestant Episcopacy, will have become with us an unreality, a sham, an acted falsehood.

APPENDIX D.

[SEE PAGE 86.]

DIFFERENCE BETWEEN AN ORGANIC AND CONFEDERATE CHURCH.

A pleasant little breeze which sprung up a short time since between two of our leading journalists, gives token that the subject alluded to here is beginning to be ventilated elsewhere; which I am rejoiced to observe. "The Congregationalist," whose quick eye had been attracted by certain movements connected with the late Pan-Presbyterian Assembly in Great Britain, prepared an editorial, which I did not see, but for the heading of which it was necessary to invent a new and certainly an expressive word, "*Presby-gationalism*." To this our Philadelphia neighbor, "The Presbyterian," offered a reply. The rejoinder of "The Congrega-

tionalist" presents several interrogatories which were intended to drive the discussion into the centre of its subject. From these I select two as bearing upon the point presented in this note. "If a Pan-Presbyterian Church, as between churches in more than one nation, be possible, but be deemed unadvisable, because of the extreme cumbrousness of its machinery, and so the Congregational principle of fraternity between churches be preferred to the Presbyterian principle of organic union between them, why may not that principle be preferred by Presbyterians in the same nation, and there be thirty-seven genuine and Scriptural General Assemblies in our own land, if only each State should regard it as practically better to have its own?" "In that case what becomes of the fundamental principle?"

It seems to me that when the dust and smoke of this little controversy shall have passed off, these brethren will find themselves in the situation of the two fabled knights, who once quarreled about the color of a shield; one declaring that it was green, and the other insisting that it was black. After tilting at each other for a while, they agreed to have a closer examination of the subject of their contention, when, lo! it was discovered that both were right; the shield being green on one side and black on the other. If I am not mistaken it will be found that "the Congregational principle of fraternity" and "the Presbyterian principle of organic union" are both, to some extent, recognized by each of their respective denominations. The membership of any one church is, as I suppose, necessarily bound together into one body by what may very properly be called "organic union," amalgamating the different elements and bringing them all under one head. But each organic church, thus complete in its appointments, will be connected with other similar organizations by a very different tie. I think our Presbyterian brother touches the true key note in the following paragraph:—

"But, says the 'Congregationalist,' 'Why not thirty-seven General Assemblies, if that were practically better?' Well, then there would be 'organic union' in each State, at least, and the fundamental principle would be preserved. And if it were 'practically better,' that is, if the cause of Christ would be more rapidly advanced, then we say let the Presbyterians of each State become organically one Church, and then recognize each other as Presbyterian churches, one in the common faith. The division of the

Episcopal Church into separate dioceses, each with its Council and Bishop, does not destroy the unity of the Episcopal Church in the United States, and would not destroy it if no General Convention should ever meet again."

I, perhaps, as an outsider, owe these brethren an apology for interfering with their debate. But the principles which they consider are common property, and important to us all. They are like the centripetal and centrifugal forces of the material universe. Upon their equipoise and proper adjustment must depend the harmony and safety of the whole.

APPENDIX E.

[SEE PAGE 111.]

A TRANSFORMATION.

The following extract from an article which appeared some months since in one of our Church papers exhibits, I think fairly, one point of logical connection (among several) between High-Churchmanship and Romanism:—

What is High-Churchmanship? The puerile vagaries and childish antics of Ritualism (so-called) are not High-Churchmanship. The profane substitution of a musical entertainment for the worship of God on the Lord's day, by which the organist is made of more importance in the sanctuary than the minister; this folly is not High-Churchmanship. What is it, then? Real, old-fashioned High-Churchmanship is a grave and respectable thing. Whoever examines it wisely will discover that it is not a *ceremony*, but a *doctrine*. Not a performance, but a principle. What is that principle? It has been formulated thus: "*Episcopacy essential to the being (not the well being only) of the Church.*" This is High-Churchmanship, and nothing else is. Let it be

thoughtfully examined. What a proposition! It looks at first simple and harmless, but at this moment it is the chief disturber of the peace of Christendom. All modern history proves it to be so. It has done more to cause "schism," in the sense in which Paul uses that term (to denote contentions in a Church, not separation *from* it), than any other doctrine. It is only, however, the High-Churchman's starting point. The next step in his progress is what has been called the "*unchurching dogma*," that terrible doctrine which places all who are not Episcopalians beyond the reach of covenant mercy; which says that all the promises of God are given to the members of His Church, and that Church is essentially and exclusively Episcopal! This colossal error is the idol before which multitudes bow. It has proved itself the Juggernaut of the Christian Church. Thousands are crushed beneath its chariot wheels. The third step in this line of Ecclesiastical progression reaches a ground upon which the necessities of your correspondent's argument require that he should boldly plant his foot, and where he will find Laud and Seabury, of other times, and a host of smaller men of our own day, standing by his side. It is this, that the "Church universal" is not invisible, as Low-Churchmen say, with an invisible Head, *in heaven*, but an outward organization. In other words, it is a *visible Church*.

Now, sir, if your intelligent correspondent will keep his eye fixed for a few moments upon that position, he may chance to behold an edifying spectacle. When the conditions have been favorable, a remarkable transfiguration has often taken place just there. It is the transmutation of High-Churchmanship into Romanism! It is Prelacy suddenly developing into Popery! The process has sometimes been on this wise: A Romanist, skilled in the tactics of his party, steps upon the same ground; with them and him it is common ground. Moderate Episcopalians have no standing there. The Romanist says, artfully, "These Low-Churchmen are consistent and intelligible; they acknowledge and believe in a Holy Catholic Church, but say that it is invisible. They may, therefore, consistently believe that the 'Head' of that Church is invisible. But you and I know better. We know that the Church Catholic is a *Visible Body*. But it appears to me, my dear brother (excuse my frankness), that just there the logic of High-Churchmanship limps a little. It stands

on the true ground, indeed, but it seems to be standing on one leg, as if almost ready to take the next decisive step, and yet afraid to do it. My dear brother, why *do* you hesitate? Why stand there so long, halting between two opinions? You have one foot on our ground already. The next step makes you wholly ours. Why do you delay? Is not the reasoning plain, from premises which are held in common? Must not a visible *Body* have a *visible Head*? That chimera of High-Churchmen about a visible Body, and yet an invisible Head, and that in heaven, too! Why, it is contrary to the truth of nature. It would be a monster in the universe! You might as well tell me of a man walking down Broadway with a material body, and an immaterial head upon its shoulders. Nay, more monstrous still, a man whose body is perambulating the State of New York, while his head is in Europe! What a scattering would such an apparition in broad daylight make in any of our cities! Yes, you hold our premises, my brother; then boldly and honestly draw the only logical conclusion. But do you begin to ask, as one of old, ‘Where is He, that I may believe in Him?’ I answer, Ecce homo! In the first age it was Peter; in this, it is Pio Nono, the vicar of Christ, the head of the visible Church. My brother, take the shoes off of your feet (for the ground on which you are now standing is holy), and do reverence to the representative of God upon earth.”

Mr. Editor, this is the rock upon which many an honest and earnest High-Churchman has made shipwreck of his Protestant faith, and become a Romanist forever. Deny it who will, it is all in the order of nature. It is the conclusion born by logical genesis of parent premises; it is the seed germinating into the plant; it is the bud unfolding into the flower; it is the High-Church larva developed (not by outer influences, but a vital force within), first into the Ritualistic chrysalis, and then into that higher manifestation of insect life, the Papal butterfly. Let him that readeth understand.

CATHOLICUS.